

MILLS
KHASHI AND JAINTIA HILLS



REPORT ON THE KHASHI AND JAINTIA HILLS 1853

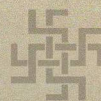
A.J.M. MILLS



A.J.M. Mills' *Report on the Khasi (Coseah) and Jaintia (Jynteah) Hills, 1853* is an important document for research in modern Indian History. An officiating judge of the Sudder Court at Calcutta, Mills was on deputation in the north-east frontier region of the then Bengal Presidency to inquire mainly into judicial anomalies.

The Report begins with a brief historical note on the circumstances leading to the British occupation of the Khasi-Jaintia Hills. It then describes the population of the Khasi Hills, the number of human souls, houses and villages. Cherrapunji, the headquarters of the Khasi-Jaintia Hills, had a numerous European community and efforts were on for building a sanatorium there.

The major portion of the Report is of course devoted to the development of judicial administration since the appointment of Col. Lister as the Political Agent in 1833, about which the Sudder Court had received several complaints and deputed Mills specifically to enquire into these.



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NORTH-EASTERN STUDIES

Historical

REPORT ON THE KHASI AND JAINTIA HILLS



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REPORT ON THE KHASI AND JAINTLA HILLS 1853

by

A.J.M. MILLS

Introduced and annotated

by

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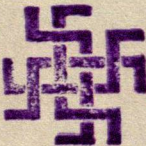


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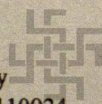
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HISTORICAL SECTION OF
NORTH-EASTERN STUDIES

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No. 1. Report on the Khasi and Jaintia Hills
by A.J.M. Mills

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Foreword

The North-East is a region of enchantment nestling amid the snow-clad peaks of the Himalayas. It is the home of the Seven Sisters: Arunachal, known also as 'the land of the rising sun'; Assam, formed by the great rolling plains and the emerald green valleys of the Brahmaputra and the Barak; the beautiful Meghalaya, the abode of the clouds, of precipitous hill slopes and the highest rainfall in the world; Nagaland and its virgin tropical forests; Mizoram and its Blue Hills; Manipur, surrounded by hills and holding within it Nature's marvel, lake Logtak; and the fabled abode of the beauty of the three worlds, the Tripura Sundari, Tripura. Such physical picturesqueness is only rivalled by the wealth of cultural traditions and natural resources of the region. It has abundant wealth of fauna and flora and its tropical forests form one of the world's biggest gene pools. It has numerous languages, some social formations going back to very early stages and now the exciting perspective of a pace of change in which centuries of mankind's history is being telescoped into decades. With such variety the region is an obvious challenge to planners, scientists, technologists, not to speak of anthropologists, educationists and all social scientists. Few regions can offer a wider spectrum for study and research whether in the areas of social institutions or political formations or economic systems or at the other end, in ecology, fauna and flora and geological formations and environment.

Such challenges are not unknown and have been accepted by questioning minds throughout human history. Meeting them has contributed to the advancement of science, the enrichment of culture and the growth of civilization. The written records of these achievements, however, are rare. We in India have been singularly unconcerned with the recording of the mundane and the ephemeral. It is only during the medieval period in our history that some beginnings of systematic documentation are in evidence. Even that took much longer to reach the North-East. However, documentation in any real sense on various facets of the region including the life of the people, affairs of state, natural resources and physical features began on a substantial scale only after the East India Company got interested in this area. Some of these reports

were published in journals and have subsequently appeared as books. Many papers exist in private and public collections in Britain, U.S.A., Bangladesh and Burma. Nevertheless, a substantial bulk remains to be unearthed in private collections and archives of the region in West Bengal and Delhi. This vast treasure of published and unpublished material remains to be studied and presented systematically to provide a comprehensive and coherent picture of the North-Eastern region before independence.

After Independence in the wake of the national decision to adopt the path of planned economic development, the North-Eastern scene underwent a qualitative change. New political administrative units were established in the region; the simple single-line administration of the hills gave way to a complex developmental administration with its full complement of associated institutional infrastructure. The information base for planning economic development has been expanding continuously as a part of the regular data flow required for general administration, periodical surveys and special studies. With these developments, the region took long strides in the field of higher education. The first university in the region was established at Gauhati in 1947. There are now six universities and many other institutions of higher learning in the region. With the unique opportunity of unexplored areas in almost all disciplines, the research activities of scholars in different fields have been yielding substantial dividends. Nevertheless only the fringe has been touched so far. Yet the contribution of the academic community is quite impressive and needs to be presented in a comprehensive frame. So is the case with official documents prepared by various institutions and organisations within the region and outside.

While this herculean task of systematization of knowledge and its presentation in the region remains to be taken up, a variety of developments, sometimes on unexpected lines, have aroused and continue to arouse the curiosity of people in all walks of life within the country and outside. As a result much is being written about the region without a clear appreciation of the real situation. For obvious reasons all this finds an instant market and a wide circulation. Now that it is realized that anything about the North-Eastern region sells, a new and flourishing business has grown in which besides catchy titles with indifferent content, many old works are being reprinted, often without the date of their original publication. In the absence of authentic material about the current situation in the region, passages lifted from old books are quoted out of context and reproduced in current writings giving a distorted view of even the life of the people. Those who are unfamiliar with the situation

in the region treat these writings as authentic and this results in considerable misunderstanding and occasional resentment amongst the people by unhappy references made to them by an otherwise well-meaning person. It is high time the people in the country and farther beyond had an authentic version of the current social and economic situation in the North-Eastern region.

This is a colossal task by any standards and would require sustained effort by generations of scholars. A beginning has to be made somewhere in however small a way, but with a frame so comprehensive that the small contributions by individual scholars may in the long run together yield a fuller picture. The comprehensive frame itself must comprise a number of smaller parts with a moving picture in the time dimension so that the temporal progression of each element is broadly but clearly specified and at any point of time all elements together may comprise a compatible and meaningful system. The 'North-Eastern Studies' attempts to provide this dynamic and comprehensive frame covering all facets of life in the region and its other characteristics.

The literature on the North-Eastern region broadly falls into three categories viz., (i) old published documents, (ii) unpublished documents and papers in archives and (iii) current literature. For this series it is proposed to make selections from all three categories. Such an attempt to make a selection is bound to pose many problems. It must be assumed that no series can cover everything. The basic idea is to include such works in the series as are not only authentic but also representative. Consequently, in such cases a choice will have to be made from amongst a number of works on the same subject so that the series is comprehensive without unwanted duplication. We may for this reason have to decide to exclude many a valuable work. The best we can do is to make this exercise of inclusion and exclusion as objective as possible within the policy frame of our publication for these studies.

The publication of North-Eastern studies will comprise a number of sub-series which will be planned in such a way that each one may cover a theme or certain related themes about the region. While the North-Eastern Region will be our focus, works in the series may spill over regional boundaries in the interest of comprehensiveness and totality of perspective. For example, in any historical account, some documents concerning Bangladesh, other parts of Eastern India and neighbouring countries may also have to be included. Similarly, in some cases a wider canvas may be necessary. In the collected works of an author like Verrier

Elwin, who did monumental work not only in the North-East but also in Middle India the coverage will be wider. Similarly in other cases, studies relating to the larger Himalayan region may have to be included to give a complete picture.

For the present we have planned the following seven series:—

Series A — Historical

Series B — Documents

Series C — Ethnographical

Series D — Folklore

Series E — Statistical

Series F — Geographical

Series G — Village Studies

While the scope of the above series is briefly described below, it has to be taken as tentative. As we move forward and have a clearer perspective, the frame may be suitably chiselled and its contents enriched wherever necessary. We may consider adding further series to the list as new material becomes available. What we have listed here can only show the general direction of our effort.

A word may be necessary at this stage regarding our policy about reproduction of old works. Each such work will be provided with a new introduction by a scholar or a group of scholars in the relevant field so that the work can be read and studied in perspective. The introduction will attempt a brief review to bring the theme to the present stage giving suitable references and linkages which can be independently pursued by the readers. If certain aspects of the work need support of some background information which was assumed by the author to be common knowledge in his time, that will be provided to the extent possible in the introduction. Similarly, it may be necessary to explain certain terms and give their precise meanings and scope as understood at the time of writing and also provide explanatory notes on certain points. These aspects will be taken care of by the editors in their detailed annotations of the text. Biographical notes about the author and such other material as may be considered necessary in each case will be given in the form of new appendices. Thus each work will become self-contained for the purpose of its better appreciation.

SERIES 'A'—HISTORICAL

The following books are proposed to be taken up immediately for publication:

1. *History of the Relations of the Government with the Hill Tribes on the North-East Frontier* by Alexander Mackenzie
2. *Report on Assam* by A.J.M. Mills
3. *Report on the Khasi and the Jaintia Hills* by A.J.M. Mills
4. *A Report on Khasi-Jaintia Hills* by W.J. Allen
5. *A Memoir of David-Scott* by A. White
6. *A History of Assam Rifles* by Shakespeare
7. *The Problem of Hill Tribes* (3 Vols) by H.K. Barpujari

Two other forthcoming works of Professor Barpujari will also be included in this series. Selection of other works for inclusion in this series will be taken up.

SERIES 'B'—DOCUMENTS

As referred to earlier, rich archival material in the region awaits systematization, editing and publication. Some work has already been done or is in the process of being done by a number of scholars. While advantage will be taken of the effort already put in and a final touch given to work nearing completion, further work of editing will be taken up according to a phased programme. This series will comprise the following eight units, each one of which will have a number of volumes.

Unit I	Garó Hills—10 vols
Unit II	Khasi-Jaintia Hills—10 vols
Unit III	Mizoram—10 vols
Unit IV	Nagaland—10 vols
Unit V	Arunachal—5 vols
Unit VI	Tripura—5 vols
Unit VII	Manipur—5 vols
Unit VIII	Assam—15 vols

70 volumes

Each volume shall be of 500–700 pages

SERIES 'C'—ETHNOGRAPHICAL

This series will include selections from old monographs on various communities in the region like those by Hutton, Mills, Gordon, Perry, Playfair, Verrier Elwin and others. This series may also comprise a number of units, each devoted to one group of communities like the Nagas, the Mizos, the Khasis and Jaintias, the Garos, the plain tribals of Assam, the Arunachalees. Some units may be devoted to a single author

cutting across ethnic boundaries like the Collected Works of Verrier Elwin and other scholars. One unit will be devoted to the rich ethnographical material in the various census reports spanning more than a century.

SERIES 'D'—FOLKLORE AND CULTURE

Rural and tribal communities have a rich oral tradition which is reflected in their music, dance, stories, rituals, festivals, other arts and crafts. A lot of work has been done by scholars on many of these facets for a number of communities. Some of these studies have been published. Nevertheless, a vast treasure remains to be explored. There is an urgency about it since with the spread of education and modernization, the oral tradition is being lost, perhaps irretrievably. Some universities in the region have taken up specific projects for documenting these aspects. The North-Eastern Council also proposes to enter this area in a big way in the coming years. It is proposed to take up the task of systematic presentation of this rich material in a number of units under this series.

SERIES 'E'—STATISTICAL

The economic and statistical data of the region, including population studies, are proposed to be published under this series. To begin with, the old statistical volumes of undivided Assam, Manipur and Tripura will be taken up. The current data being generated by numerous organizations will also be systematized and re-presented under separate units.

SERIES 'F'—GEOGRAPHICAL

A systematic geographical account of the region as a whole is urgently needed by students and scholars alike. A systematic account of different geographical aspects of the region and sub-regions therein covering geomorphology, flora and fauna, land-use and agriculture, ecological systems, etc. will be taken up for presentation under this series. The North-Eastern Hill University has also taken up another major project—*Tribal Atlas of India* which will take some time to complete. However, this project has been planned as a number of small independent studies within the broader frame whose results will be available for publication in due course on a continuing basis. It is proposed to publish these studies under this series.

SERIES 'G'—VILLAGE AND REGIONAL STUDIES

While the works included under series 'A' to 'F' are thematic, it is



necessary that some studies give a holistic view at different levels from the village through district and state to the region. A programme of preparing comprehensive monographs on villages and different states under the jurisdiction of the North-Eastern Hill University has been taken up. The scope of this programme will be expanded in collaboration with other universities in due course. The results of these studies will be published in a number of units under this series.

The work relating to North-Eastern series has been organized at three levels. A Board of Editors has been constituted for publication of North-Eastern Studies as a whole. Under the overall guidance of this board, the series editors will plan out the various volumes in the series and assign the work relating to each volume to one or more editors.

We are happy that a number of scholars have agreed to serve on our board of editors which will be suitably expanded as we receive concurrence from others. We are grateful to Professor Barpujari for accepting the onerous responsibilities of Chief Editorship for Series 'A' with which we are launching this ambitious programme of publication. His gesture to allow us to include all his works in this series has given an invaluable boost to this programme which will be sustained by similar support from other scholars. Professor J.B. Bhattacharjee, of our University has been a great help in organizing this series and has been responsible for drawing researchers into the programme. We are happy that the North-Eastern Hill University has agreed to create a nucleus fund of ten lakh rupees for this project which will be used for continuing the production of works under North-Eastern Studies uninterrupted. We hope that we will get generous support from the State Governments and other organizations.

All volumes of North-Eastern Studies will be published in two editions viz., a deluxe edition and an ordinary hard-cover edition. We welcome standing orders from universities, public libraries, state governments, other research and educational institutions for all our works or for works under a specific series or a particular unit thereunder. We are happy that the North-Eastern Hill University Book Co-operative have agreed to be our sole distributors of the publications in these series.

August 17, 1985
North-Eastern Hill University,
Shillong

B.D. Sharma
Vice-Chancellor

Introduction

A.J.M. Mills' *Report on the Khasi (Coseah) and Jaintia (Jynthead) Hills, 1853* is an important document for research in modern Indian History. An officiating judge of the Sudder Court at Calcutta, Mills was on deputation in the north-east frontier region of the then Bengal Presidency to inquire mainly into judicial anomalies. But his reports—one on the Khasi-Jaintia Hills and another on Assam—covered so many aspects as to merit consideration as a general account of the land and the people. The two reports were separately published by the Government of Bengal from Calcutta in 1854 and reprinted at the Assam Secretariat Printing Office, Shillong in 1901. The *Report on Assam* has recently been reprinted by the Assam Prakasan Parishad (Gauhati, 1974) and another reprint of it has been brought out by a private concern (New Delhi, 1980). The *Report on Assam* incidentally does not include the Khasi-Jaintia Hills. We are publishing in this volume, the *Report on the Khasi and Jaintia Hills*, the original of which was collected by my colleague Dr. D.R. Syiemlieh from England. This is merely a reproduction though set afresh to give a new copy to our readers. We have kept the original report as it first appeared as any changes would amount to tampering with historical evidence. Our job here has been limited to providing some annotations in the form of explanatory notes to the main Report for the guidance of contemporary readers.

The Report begins with a brief historical note on the circumstances leading to the British occupation of the Khasi-Jaintia Hills. It then describes the population of the Khasi Hills, the number of human souls, houses and villages. Cherrapunji, the headquarters of the Khasi-Jaintia Hills, had a numerous European community and efforts were on for building a sanatorium there. The description of physical features is followed by remarks on agricultural, horticultural and mineral production, wherein Mills extensively quotes Col. F.G. Lister, the Political Agent at Cherrapunji. He gives details about the orange plantation and the cultivation of potatoes, cotton, cinnamon, bay-leaf, betelnut and leaf, and spices including a quantity of exports and the marketing system. Minerals like limestone, coal and iron-ore were quarried and exported in

large quantities to Bengal. The iron-ore was also locally smelted, rendered into manufactures like spades, hoes and blocks of smelted ore and then exported to Assam and Bengal. The imports comprised rice, salt, tobacco, dried fish, oil, corals, brass and copper utensils, clothes, cattle and goats. Coming to the Jaintia Hills, he admitted that the British officer still possessed very little knowledge about this territory. The cultivation, according to him, was very scanty, although ploughing was done in some places. Besides cultivation, rice, orange, potato, betel-nut, spices, etc. were grown and minerals like limestone, coal and iron-ore were procurable in abundance. The Report provides the estimated quantity and value of the various productions. It also gives the number of villages, houses and population in the Jaintia Hills and the number of families which earned a livelihood either by agriculture or garden culture, or as traders or porters respectively. He found that the Jaintias were unwisely exempted from paying taxes to the government and, therefore, recommended that some taxes should be imposed on them. Mills then makes some remarks about the character of the Khasi-Jaintias, and various other tribes that inhabited these hills, their religion, social habits, customs, and prejudices. He also noticed the work of the Welsh Mission in the field of education and proselytisation. He listed the chieftains in the Khasi and Jaintia Hills and their systems of administration.

The major portion of the Report is, of course, devoted to the development of judicial administration since the appointment of Col. Lister as the Political Agent in 1833, about which the Sudder Court had received several complaints and deputed Mills specifically to enquire into these. He studied a number of cases that were disposed of by the Cherra Court to be satisfied that the complaints of anomalies were valid and that the method of dispensing justice was most objectionable. An interesting fact that the Report mentions (and indeed corroborated by several other sources) is that Harry Inglis, the proprietor of Messrs Inglis and Co. and son-in-law of Col. Lister, was the real *agent provocateur* of most of the litigations. Inglis was appointed as an Assistant to the Political Agent on Government salary with the powers of a Magistrate, and he used this authority in his own business interest. He initiated litigation to ruin his rivals, and even indulged in physical torture and assassinations, the cases of which the Cherra Court refused to entertain. By this process Inglis secured his virtual monopoly in trade. Mills discovered that actually there was no dispute since Inglis had no rival "but from his proneness to litigation and from the extent of his dealings, they may at any time recur, . . ." Mills, therefore, made a number of recommendations to uphold "the impartial dispensation of justice."

Mills is certainly not correct in stating that the British intercourse with the Khasi-Jaintias first commenced in the year 1826. British official records suggest that intercourse started immediately with the accession to the Diwani of Bengal in 1765. The three volumes of *Sylhet District Records*, compiled by A. Firminger (Sylhet 1905-7) contains several documents on Khasi disturbances in Surma Valley in the last quarter of the 18th century which were provoked mainly by British policy to control Khasi trade and to bring the foot-hill areas under regular assessment. In 1774 an expedition was sent against the Raja of Jaintias who was accused of obstructing trade in Surma (R.B. Pemberton, *Report on the Eastern Frontier of British India*, Calcutta, 1835, Sec. 5). Guha Singh, a Chief of Shella, died in British captivity in Murshidabad in 1792; (*Bengal Judicial Consultations*, 10 August 1792, No. 12). On 10 March 1824, Ram Singh, Raja of Jaintias, acknowledged the authority of the British Government by signing a treaty (C.V. Aitchinson, *Treaties, Engagements and Sanads* Vol. IX, Calcutta, 1931 pp. 118-19). Immediately after the outbreak of the Anglo-Burmese war on 5 March, 1824, David Scott, Agent to the Governor-General in North East Frontier had realized the importance of a road from Sylhet to Assam through the Khasi Hills. He persuaded Raja Dewan Singh, the Syiem of Cherra, to agree to provide the passage in exchange for a tract of land near Pandha in Sylhet. Chatter Singh, the Syiem of Nongkhlaw, also agreed to allow the road through his territory (*Bengal Secret and Political Consultations*, 30 May 1829, No. 21). The evidences are thus abundant to prove that the British relations with the Khasi-Jaintias had started long before 1826. Mills might not have consulted these records, and this was indeed beyond the perview of his Report.

Mills had no doubt personally visited Cherrapunji. This is clear from the Report. It is, however, not known whether he toured the other parts of the Khasi-Jaintia Hills. In the absence of this information a methodological question naturally arises whether the Report can be accepted as the information supplied by the 'man on the spot'. It is, however, clear that Mills had notified the British officers and other European residents to submit notes on specific issues. The replies received by him are attached to the main report in the form of appendices each of which has a strong claim to be treated as a primary source by the historian. Appendix A, for example, is a note by Dr J.W. Fletcher, the Assistant Surgeon at Cherrapunji, which gives interesting information regarding the climate of the hills, the sanitary conditions of the Cherra Station and the Jail.

The note of Col. F.G. Lister, on the history of the Political Agency

and the Return of Khasi Chiefs under his political control are given in Appendix B. Lister's description of what he calls 'statistical resources of the district' is bound to interest economic historians. He also reproduces the full texts of the treaties signed by the Khasi rulers from time to time, all of which are available in C.V. Aitchinson's *Treaties, Engagements and Sanads* (Vols. IX and XI, Calcutta, 1931). Appendix C contains two very important accounts of Rev. W. Lewis of 'the Khasi Courts of Judicature' and 'the Khasi form of Government.' Lewis was a Welsh missionary in the Khasi Hills. He worked among the Khasis for a long time and had gained intimate knowledge about the Khasi way of life, including the local language. Researchers in the early history of the Khasis or the Khasi political system shall find illuminating material in these two accounts. W.H.M. Sweetland, who was in charge of the coal mines of the Sylhet Coal Company, submitted a lengthy report regarding the administration of justice in the court of the Assistant to the Political Agent at Cherra. It refers in detail to a large number of cases arising out of lime and coal trade that came up before the Cherra and Sylhet courts, the most important being the famous case of Golucknath and Sheebchurn versus Messrs. Duncan, Gibson and others which had created great excitement among the trading community in Bengal at the time and points to the anomalies particularly when Harry Inglis held the position of the Assistant to the Agent. This report can be seen in Appendix D. Sweetland's observation provoked Mills to call for explanations from the Assistant to Political Agent in connection with the proceedings in the Golucknath and Sheebchurn case. The correspondence between Mills and Lt. G.N. Cave, then Assistant to the Political Agent, can be seen in Appendix E.

Appendix F is the translation of the judgment in this famous case. The Appendices did include a note by Rev. W. Lewis on the progress of missionary work, 'Statement of Increase and Decrease of Establishment,' and the Minutes of the Governor of Bengal on the Report submitted by A.J.M. Mills. In fact, the main report is rather shorter than it could be and the importance of the volume is primarily due to the Appendices.

The nineteenth century stands out to be crucial in the history of the Khasi-Jaintias. In the 30s of that century these hills were integrated by the British into their colonial empire. This was the end of centuries' splendid political isolation and beginning of what is called 'modernisation.' The process of change once started, became rapid, and for an understanding of this process, Mills' Report is an invaluable document. The first report for the Khasi-Jaintias was by R.B. Pemberton (*Report on the Eastern Frontier of British India*, Calcutta, 1835, section 5, sub-section 2-3) who

extensively toured this region in 1830s and his report was published by the Government in 1835. Mills visited Khasi Hills within two decades of its annexation and yet he found a lot of change not only in administration and economy but also in the character and attitude of the people. Six years after him, W.J. Allen submitted his *Report on the Cosseah and Jynteah Hills* (Calcutta, 1859). W.W. Hunter's *A Statistical Account of Assam* (for Khasi-Jaintia Hills see Vol. II) was published in London in 1879. And finally, P.R.T. Gurdon's highly acclaimed monograph, *The Khasis*, came out in 1907. These published sources even if one fails to get access to the host of archival material that are available in India and England, give a fair amount of insight into the stages and rapidity of development in that fateful century.

J.B. Bhattacharjee



Contents

FOREWORD	v
INTRODUCTION	xiii
MILLS' REPORT.	1

Appendices

A. REPORT OF DR. J.W. FLETCHER ON THE CLIMATE AND JAIL CONDITION OF CHERRA	30
B. POLITICAL AGENT LT. COL. F.G. LISTER'S REPORT ON HISTORY OF THE POLITICAL AGENCY AND STATISTICAL RESOURCES OF THE DISTRICT.	34
C. KHASIA COURTS OF JUDICATURE.	65
D. W.H.M. SWEETLAND'S LETTER DESCRIBING THE CRIMINAL, CIVIL AND FISCAL STATE OF THE AGENCY.	69
E. MILLS' CALLING FOR EXPLANATION FROM THE ASSISTANT TO THE POLITICAL AGENT	97
F. TRANSLATION OF THE JUDGMENT GIVEN BY THE ASSISTANT TO THE POLITICAL AGENT	105
G. WILLIAM LEWIS' LETTER ON STATE OF EDUCATION	106
H. STATEMENT OF INCREASE AND DECREASE OF ESTABLISHMENT IN THE KHASI HILLS BETWEEN 1848-1852.	109
* MILLS' ASSESSMENT OF OFFICIAL CHARACTER OF OFFICERS.	111
* THE GOVERNOR'S RESOLUTION ON THE REPORT.	113

REPORT

ON THE

KHASI AND JAINTIA HILLS

1853

Dated Fort William, the 27th September 1853

From—A.J.M. MILLS, Esq., Officiating Judge, Sudder Court, on deputation.

To—The Secretary to the Government of Bengal, Judicial Department.

I have the honour to submit the following report on the Khasi and Jaintia Hills, which are under the administration of Colonel Lister¹, Political Agent.

2. The portion of the hills which is inhabited by the tribe of people called Khasia² borders Mymensingh and Sylhet on one side and Assam on the other. In the year 1826 our intercourse first commenced with them. The then Government Agent, Mr. Scott³, deeming it expedient to have a direct communication between Assam and Sylhet, entered into a negotiation with the chieftains, which terminated in permission being granted to us to open a road and to establish a sanitarium at Nungklow⁴. The events which followed, viz., the massacre of two British officers, Lieutenants Bedingfield and Burlton, and some fifty or sixty native subjects at that place; the general disaffection of the tribes; the consequent warfare; the apprehension of some of the outlaws; the eventual submission of the chieftains; and the entire subjugation of the country; are matters of history that I need not dwell upon. It is sufficient for the purposes of this report to observe that all opposition having been finally overcome, the Agency was established on the 11th February 1835, and Colonel Lister, then Captain Lister, was appointed Political Agent of the Khasi Hills, with the charge of our relations with the Jaintia Raja.

3. The Jaintia Raja at that time was in possession of his territory, but he had fallen under the displeasure of Government in consequence of the immolation of three British subjects by a

dependant chieftain⁵ of Jaintia at the shrine of *Kali*, and of his refusal to give up the murderers, and shortly afterwards, *viz.*, in March 1835, Colonel Lister was directed to hold and annex to the British dominions the plains of Jaintia as a measure of retributive justice for the barbarities that had been committed. The Raja, however, when shorn of this valuable portion of his territory, declined to retain possession of the hill tract, and this or the central portion of his territory was also annexed, and comprises the "Jaintia Hills", under Colonel Lister's control. It is bounded on the north by the portion of Jaintia transferred to Assam, south by the plains of Jaintia added to Sylhet, east by Cachar, and west by the Khasi Hills.

4. *Khasi Hills*—The population⁶ of these hills is estimated at 82,400 souls, the number of dependant villages at 564, and the houses at 16,450. The portion of ground on which the station of Cherra Poonjee stands was given to us for an equal portion of land in the plains of Sylhet. Though orders were issued 22 years ago for making over the lands to the Raja, it would appear that the arrangement has not yet been fully carried out in consequence of the people on the part of the Raja refusing to receive any lands, excepting the 16 *hals* 8 *kears*⁷ of land previously acquired by him by purchase. The matter is now pending before the Commissioner.

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6. The physical aspect of the Khasi Hills has been fully and graphically sketched by Captain Pemberton⁸ in his report on the eastern frontier, so that I shall pass by that subject with the

following brief description of the country derived from the above source, added to my own observations.

7. From Nungklow which stands on the edge of the northern verge, to the village of Maosmai⁹, which is similarly situated on the southern verge, of this elevated region, the direct distance is 35 miles; all this tract may be called "table land"; the greater part is open and free from jungle, varied by numerous hillocks and knolls, villages and chasms. The soil as far as Myrang¹⁰ is very poor; southward it is more favourable, and the country is more fertile and pleasant.

8. From Maosmai to the base of the hills the vegetation is most luxuriant, the sides of the hills are cleft by deep and narrow ravines, valleys, and defiles ranging from 2,000 to 3,000 feet deep, and the slopes are covered with orange groves, betel-nut plantations, and potato fields. On the Assam side the inferior hilly tract, which unites the lofty table land and the plains, is covered with dense jungle and is very insalubrious.

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"Of horticultural produce, oranges take the lead. The plantations are situated at the foot of the southern face of the hills, and reach to an elevation of about 1,000 or 1,200 feet. The export is about 400 or 500 lakhs¹¹ a year, and is still increasing. The supply never being equal to the demand, the market is certain, and the property about the best in the hills.

"Potatoes are next in value; they are cultivated on the table land and on the slopes; the latter is an improved method of cultivation, — the jungle is burnt and the ground manured with the charcoal, which recent experiments in England have proved best suited to the potato. This crop would prove a certain profit to the Khasias, if they merely supplied their own markets; but their gambling character induces them frequently to take their crop to Calcutta in the hope of a large return, and frequently to their complete ruin. The risk is the early or late state of the crops in those parts from whence Calcutta is supplied at a cheaper rate than can be done by the Khasias.

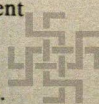
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the important exception of the large village of Nartiang, where there is a Hindu temple dedicated to the goddess *Kali*. The dialect of the inhabitants of this village and its dependencies is, I am told, quite different to that of any other portion of the hills, and their propensities are decidedly those of Hindus.

15. *Khasia Chieftains*—The chiefs acknowledged by our Government are shown in the accompanying statement. It gives also the names of the chiefs, the number of dependant *poonjees* or villages, the number of houses, and population belonging to each. In the column of remarks is described the nature of our relations with each, and I have appended to it a translation of the treaties which some of the chieftains have entered into with the British Government.

16. The chieftains are 24¹⁵ in number. The principal are those stated in the margin. The Cherra Raja has by treaty, and the Rajas of Khyrim, Lengree¹⁶, Nustung¹⁷, and Nisping¹⁸ (with whom we have entered into no treaty), have, by tacit admission, the sole civil and criminal jurisdiction of their respective territories; but it has been the practice to investigate all cases between *our* subjects and those of the Rajas or between the subjects of different Rajas. In the other estates the British authorities take cognizance in *addition to the cases above described* of all cases of a heinous nature, the chieftains being bound to make over the parties concerned for trial. The chieftains decide petty cases amongst their own subjects themselves.

17. The station of Cherra Poonjee is the only place over which the Agent exercises sole jurisdiction; but the Government has, it would seem, the undoubted right to interfere in any way it pleases with the administration of the villages of Moosmai, Sohbar, and Mamloo²⁶, the first and last by right of conquest, and the second by treaty. These villages have sirdars, or headmen, who are em-

Sobha Sing, Raja of Cherra.
Hazar Singh, Raja of Moo-
leem¹⁹.

Jeedur²⁰ Sing, Nungklow.
Oosep²¹ and Ramshye,
Raja of Maram²².

Mishnee and three others,
Wadadars²³ of Chella²⁴ Poon-
jee.

Sing Manick, Raja of Khy-
rim.

Oomeet,²⁵ Raja of Nus-
tung.

powered to investigate petty cases, both civil and criminal, and an appeal from their decision lies to the Cherra court, but Lieutenant Cave states that no such appeal has yet been ever preferred.

18. *Jaintia*—There are 23²⁷ dullais²⁸ and sirdars in the Jaintia Hills, who have a certain number of *poonjees* or villages under their charge, and they investigate all petty cases of a civil and criminal nature within their district. An appeal lies from the decision of the dullais to the Political Agent, and objections to dullai's hearing cases on account of family connexion or other causes are received, and, if admitted, are taken up by the assistant to the Agent. The dullais were formerly appointed annually, but the Political Agent has extended the tenure of office to three years, the retention, however, depending on good conduct. On the expiry of that period, the community have the right to re-elect another dullai.

19. The Revd. Mr. Lewis, who has been labouring for some years in the Khasi Hills with the laudable endeavour to enlighten these wild mountaineers, has, at my request, obligingly drawn up the accompanying account of the Khasia Courts of Judicature and form of Government. The business of the State, it will be observed, is transacted at durbars, regularly proclaimed. The Chief is the sole judge, and the villagers may, Mr. Lewis observed, be "regarded as a jury, though they are obsequious to their Chief, if he be an influential one." It is a remarkable circumstance that the chieftainship does not descend from father to son, but from uncle²⁹ to nephew.

20. With regard to the mode of procedure of the Jaintia courts, I could obtain no definite information. Mr. Lewis informed me that there are under the dullais what are called pattors³⁰, one to each village, that under them are the village priests, and that all suits come first before the priests, with an appeal to the pattor, and from him, if not satisfactory, to the dullai, and finally, as stated above, to the Agent.

21. The judicial forms are similar to those observed in the Khasi Hills. Both are accompanied with cruel ordeals, and I have Mr. Lewis' authority to state that the Jaintia people complain

bitterly of the tedious and expensive process of administering justice.

22. When Colonel Lister was appointed Political Agent of the Khasi Hills, he was instructed to exercise magisterial functions in some villages, while the chiefs of others were permitted to retain entire jurisdiction within their own limits. He was empowered to fine to the extent of Rs. 500, and to imprison for two years on proceedings held before him as Magistrate, and, with the assistance of the punchayet, to imprison for 10 years. All cases of heinous nature he was directed to send to our sudder court. He was further told, as a general rule, to consider those villages under his jurisdiction "which have become ours by right of conquest, but that in those villages which have all along retained their independence or have been restored by us to their former chiefs," he was desired only to exercise political control. In cases of a civil nature the sudder court was empowered, on an inspection of the Agent's periodical returns, or on a petition being presented to it, to call for and revise his proceedings. At the same time Mr. Harry Inglis³¹ was appointed to be an assistant to Captain Lister with full powers to punish to the extent of one year's imprisonment and Rs. 200 fine, his proceedings being always subject to the revision of the Agent.

23. By Act VI of 1835, the Political Agent of the Khasi Hills was placed in civil and criminal cases under the control and superintendence of the Sudder Dewanny and Nizamut Adawluts, respectively, and on a reference from the court, the Government, by their orders No. 193 of the 29th of September 1835, authorized the extension of the court's jurisdiction to the Jaintia territory.

24. The court understood the Raj Jaintia to have formed part of the Khasia territory, and conceived that, under the provisions of Act VI of 1835, they were competent to exercise authority therein, but the country formed no part of the Khasia territories, and Act VI of 1835 could have no possible application to it, seeing that we were *not* in possession of the Jaintia country when the Act was *passed*. Subsequently, the Government sanctioned, under Act XXI of 1836, the general annexation of the Jaintia territory to Sylhet, and the

extension to it of the laws and regulations, but the *plain country* on this side of the hills to Sylhet was only brought under the operation of this order.

25. Again, anterior to this annexation, the Government, by their orders of the 28th of July 1835, determined that Jaintia, with the exception of that part which bordered on Assam, should be annexed to Cachar. The plain country was so annexed and then transferred to Sylhet as above stated; but I cannot trace the orders³² for retaining the hill territory under Colonel Lister's superintendence, and Colonel Lister could afford me no information on the subject. It was, he says, always understood that the hill territory was to continue under his administration. Further, with the view of giving the assistant to the Magistrate the powers to take cognizance of complaints brought by natives against European subjects, Lieutenant Cave was, under the orders of Government of the 5th of March 1852, vested with the full powers of a Magistrate in the *Khasi Hills*. The Jaintia Hills cannot be considered a part of the Khasi Hills. The territories are distinct, and the assistant to the Agent cannot, in my opinion, legally exercise these powers which he now does in the Jaintia Hills.

26. It will be seen from the foregoing observations that Jaintia is at present placed in a very anomalous position. The regulations, though ordered to be extended to it, have not been so extended, while the order for extending the jurisdiction of the Sudder Dewanny and Nizamut Adawluts under Act VI of 1835 to the territory, though carried into effect, was clearly founded on wrong premises. It is desirable, I think, that these anomalies regarding jurisdiction should be removed.

27. Then as to the rules by which justice is administered. Colonel Lister states that he is guided in exercising control over the Khasi and Jaintia Hills by the spirit of the instructions of Government above noticed and by the Assam rules. Now, the instructions themselves are, it will be observed, of a very vague character, and the Assam rules have been extended to this country without any authority whatever. It appears that the sudder court forwarded to the Agent for his information a copy of the revised

rules "for the administration of civil and criminal justice in the adjacent Province of Assam," supposing that the Agent had been instructed to be guided by them, but such was not the case; and further the rules so forwarded are those which have not yet *received the confirmation* of Government, and have therefore *not* been introduced into Assam.

28. In Cherra Poonjee there are numerous Europeans, both in and out of the services—coal mines are worked, lime is quarried, and other speculations engage attention. It will be seen also from the correspondence quoted below that many disputes have, in connection with trade, sprung up and formed the subject of suits in the court, and that great complaint is made, and not unreasonably, I think, of the manner in which justice is administered. It is therefore time, I think, that the administration of the territory in which the Political Agent exercises the powers of a Magi-

NOTE.—Mr. Inglis brought an action libel against Mr. Gibson, laying his damages at Rs. 10,000. The libellous expressions were "that the case was prompted by plaintiff, who suborned the necessary witnesses," and were contained in an answer which Mr. Gibson filed in another suit. Lieutenant Cave gave a decree for Rs. 5,000 damages.

strate, Collector, and Judge should be placed on a more satisfactory and intelligible footing; that the Magistrate should know what law he has to administer, and the subjects should know under what they are to live. It is, I think, very doubtful whether Europeans are even amenable to the Political authorities in civil matters in consequence of Act XI of 1836 not extending to the Khasi Hills. The point was mooted in the court's decision in the case of Gibson, appellant, *versus* H. Inglis, respondent, see page 524 of the decision of the

29. For the reasons above stated I would therefore suggest the enactment of a complete set of rules and procedure suited to the usages and institutions of the country; and, for the furtherance of this end, I would also suggest that a careful enquiry be made into the customs, habits, and institutions of the Jaintia territory. If it be found, as asserted by Mr. Lewis, that the present mode in which petty cases are decided by the village authorities is the cause of vexation and annoyance to the people, and that cruel ordeals are still enforced, the procedure should be reformed, the mode in which

cases are to be tried should be defined, and the powers of the dullaies should be indicated with precision. The country is ours, and it is our duty to see that speedy justice, suited to the simple habits of the people, is administered, and practices abhorrent to humanity are not allowed.

30. Referring to the memorial of Anundo Kissore Rai and Bhagurithee Debya, zemindars of Sylhet, on which I submitted a separate report, dated the 26th of August 1852, I would advise that provision be made for deciding disputes between the Khasi chiefs and the zemindars subject to the regulations for the possession of land situated on the boundary. The sudder court has held that it has no jurisdiction in such cases.

31. The Government derives no land revenue from the Khasia Hills. The receipts consist of the following items:

The sale of opium and the license to vend ganja in the station of Cherra Poonjee. The average produce for the last three years is Rs. 135-4-9.

Ground rent of the building lots in the station of Cherra Poonjee, Company's Rs. 94.

Judicial fines from the villages of Sobar³³, Mamloo and Ramrye³⁴ as shown below:

"From the first, Co.'s Rs. 300 per annum, imposed by the late Mr. Cracroft for the murder of two travellers on the road up from Theria to Cherra. This village possesses in its lime and lime quarries, orange gardens, and betel-nut groves, ample means for meeting this tax.

"The second Mamloo was fined at the rate of one rupee per house, total Co.'s Rs. 55, in consequence of its inhabitants having sheltered and effected the escape of two outlaws during the disturbances. This village has by no means the wealth of the preceding one.

"*Thirdly* —The Ramrye villages were concerned in the inroad into Assam. They were fined Rs. 4,000, but their plain lands having been confiscated, their means were diminished in proportion. They pay this fine by instalments of Rs. 100 per annum.

32. It will be seen from the treaty entered into with the Chela Poonjee sirdars that Government has reserved to itself the right of taking limestone from the sides of the river Boga free of cost, but it

does not appear that it has ever availed itself of the privilege conceded to it. Mr. Inglis quarries lime, I believe, in that locality, but I could get no precise information on this head.

Steps might be taken for instituting such enquiries as may lead to a more accurate knowledge than we at present possess of the extent and capabilities of these quarries and the price at which it can be quarried and transported to Calcutta.

33. Colonel Lister states "a tax on land is unknown amongst the Khasias, the revenues of the Khasia chiefs are derived from judicial fines and tolls levied on all goods in the markets of their villages. These tolls vary in amount according to the situation of the villages, and are either paid in money or in kind. The tolls are levied per load or according to the articles; one pice each man's load and three *dumrees*³⁵ each woman's load seem to be the maximum, and half the same the minimum rate. A handful of rice from the two baskets or *bangy* load, a pice per rupee worth of corn, and half *dumree* per pice worth of betel-nut are about the extent of the tax on articles brought to market."

34. The villagers of Mamloo and the Raja of Nungklow, who still claims to be the chief of, and in fact exercises the power of a chieftain in the village, petitioned me for the remission of the fine levied from their village. The Agent states that, though poor and gaining a livelihood chiefly by coolie labour, the sum they pay is so trifling that it cannot press hard upon them. Under these circumstances, I do not support the prayer of the petition.

35. The following items compose the entire revenue derived from the Jaintia territory:

Firstly—The rent of the Lakadong coal mine. The average for the last two years is Co.'s Rs. 205.

Secondly—The sale of tribute goats, which averages for the last three years at Co.'s Rs. 34-3-8.

Thirdly—The rent of land leased by the Collector of Sylhet, under the supposition that the land belonged to his

district, but which was afterwards found to belong to Jaintia. The number of pottahs is ten, and the annual amount of rent is Rs. 350.

36. The dullais paid one he-goat for each village to the Jaintia Raja, and the practice, says Colonel Lister, has been continued. The leases granted by the Collector of Sylhet for lands lying on the Cherra side of the boundary, as laid down by Government, were transferred to the authorities of Cherra under the orders of Government, dated the 29th of November 1852, No. 2570, with directions to maintain existing arrangements as far as possible.

37. The perquisites of the office of dullais are derived, as in the Khasi Hills, from fines imposed for offences, and from duties on *hats*³⁶. The Government gets nothing, I may say, from this territory, not even its dues as Lord of the Manor from its mineral productions.

38. Colonel Lister suggested in 1849 the imposition of a house tax on the inhabitants of the Jaintia Hills in consequence of the disposition evinced by some of the people to assert their independence; but the proposition was not adopted, as it appeared to His Honour the Deputy Governor that the imposition of such a tax was not likely to allay the existent excitement.

39. In Assam, the Nagas, the Mikirs, and other wild tribes pay either a poll tax or a house tax. In Cachar the Nagas and Kukis are similarly taxed, and it appears to me to be the dictate of sound policy to exact some payment, however trifling the amount may be, from the mountaineers of our possession, as a token of submission. It is to be regretted, I think, that this was not done when we took the country. The Agent contented himself with receiving a he-goat from each village, which, it is stated, was only what the Raja took from them. This may have been the amount of direct taxation, but there is no question that he derived a considerable amount of rent from taxing the produce of the hills when taken into the plains, and the produce of the plains when imported into the hills. Whether it would be practicable to introduce land tax or a house tax, I have not the means of ascertaining. None of the dullais waited

on me, and the authorities themselves seemed to me to have a very imperfect knowledge of these hills and their agricultural and mineral resources. The disputes between Messrs. Gibson and Inglis originated in quarrying stones. The former leased the land producing it from one party and the latter from another, but neither disputed the fact of the stone belonging to the Jaintia Hills; and as all minerals are the undoubted property of either the State or the proprietor, I am of opinion that the pretensions of the lessors should have been set aside, and the right of Government, whether as ruler or owner it matters not, should have been asserted.

40. With the view therefore of ascertaining the capabilities of this unknown region, and determining whether it should not, like the mountainous districts, contribute some kind of revenue towards meeting the expenses of the State, I would suggest that the assistant to the Political Agent be directed to make a topographical survey of the hills, and report upon the resources of the country, the social habits, religion, and customs of the people, and the method of procedure adopted by the heads of villages in administering civil and criminal justice.

41. There is not a police thana in the Jaintia Hills. The single thana of the Agency is at Cherra, and is of the strength noted in the margin. Of the Khasia portion one havildar and six sepoy are posted at Nungklow for the purpose of affording protection to travellers passing to and from Assam. The headmen of the villages in the Khasi Hills, and in the Jaintia Hills, the dullais report the occurrence of murders or other heinous offences to the thana, when the muharrir proceeds to the spot and holds an enquiry. Though heinous crimes are stated to be of rare occurrence, yet it appears to me most desirable that a part of the small police force should be located in the Jaintia territory if only for the purpose of acting as a check on the lawless proceedings of the dullais and other headmen of the villages, and of keeping the authorities informed of the real state of the country. At present nothing is positively known of what occurs there. The authority of the dullais is quite uncontrolled, and no

Cherra—1 mohurrir and 5 burkundazes and 1 interpreter, "Bengalee police". 1 jemadar and 14 sepoy, "Khasia police". Nungklow—1 havildar and 6 sepoy, "Khasia police".

municipal police exists for the prevention of crime, nor yet for the detection and punishment of petty offences. I may add that the location of a small police force in the wild parts of Assam has been found beneficial in strengthening the security they have from their connection with us for the enjoyment of their property.

42. In the first six months of 1853 one case of homicide and one of theft, and in 1852 one homicide and three thefts, were reported. Common thefts are not generally made known to the police. When they occur, they are usually settled amongst themselves.

43. In the first six months of 1853, 68 persons were brought to trial. The results are given in the margin. No case pended on the 1st of July, and only one case when I visited the office awaited trial.

Heinous crimes —		
Convicted	...	1
Committed	...	1
Acquitted	...	4
Petty offences —		
Convicted	...	37
Acquitted	...	25

44. The diary of witnesses shows that 35 witnesses were detained one day, 56 two days, and 7 witnesses three days. The cases were generally very trifling, and a larger number of witnesses might, I think, with due diligence, have been discharged on the first day.

45. *Civil*—There pended on the 1st of July 11 cases and on the day I visited the office 7 cases. The number of original suits, appeals, and miscellaneous cases disposed of in the first six months of 1853 is shown in the statement given below.

—	Remaining on the file on the 1st of January	Instituted between 1st of January and the 30th of June	Total	Decided	Adjusted or with- drawn	Total decided
Colonel Lister—						
Appeals	...	2	2	2	...	2
Lieutenant Cave—						
Original suits	14	20	34	14	9	23
Miscellaneous	10	9	19

46. The nature and value of the suits will be seen from the subjoined statement:

		Suits instituted in 1852		Suits instituted in 1853	
For possession of land		1		4	
" debt on bond		5		9	
" value of articles		6		2	
" price of limestone		4		4	
" wages		...		2	
" damages		1		...	
" subsistence allowance		...		1	
" libel and slander		2		...	
" redemption of mortgage		...		1	
Total		19		23	
Value of suits		Number of suits, 1852		Number of suits, 1853	
Under	1 rupee	
Above	1 and under	5		2	
"	5 "	10		2	
"	10 "	20		2	
"	20 "	50		5	
"	50 "	100		2	
"	100 ...	12		10	
Total		19		23	

Of the suits instituted in 1852 and 1853, 12 of the former and 10 of the latter were above Rs. 100 in value, and mainly arose out of trading transactions, some being connected with the disputes which existed between Mr. H. Inglis and Messrs. Duncan and Gibson. The number of cases instituted in 1852 did not comprise the cases disposed of by the assistant to the Agent on summary enquiry, which circumstance accounts for the apparent paucity of suits instituted in the former year. The assistant to the Political Agent has not disposed of any cases in the above manner during the course of the present year, which is to be regretted. He should encourage this summary and cheap system of judicature. It is the most consonant to the feelings of the Khasias, as it is less tedious and expensive, and enables the people to conduct the cases themselves instead of entrusting them to Bengali muktiars, which they always desire to avoid.

47. I have mentioned that the administration of justice in the Khasi Hill courts has been made the subject of much complaint. In the accompanying letter from Mr. Sweetland, the Agent of the Coal Company, it is severely impugned, and that gentleman has represented that the Cherra court has lost the confidence of the entire people, and that the administration of justice has become a "nullity", "a bye-word" and a "reproach". He has furnished the details on which this conviction is based, and I deemed it my duty to review the proceedings of the local authorities connected therewith, and to state my opinion on the legality and justness of the orders and decisions of the Cherra court, which Mr. Sweetland has referred to as justifying his recorded conviction that the officer who passed them, Lieutenant Cave, has wilfully used the "power with which the Government clothed him for the public benefit for unjust purposes."

48. I pass by the statements concerning Mr. Jones.³⁷ They have been made the subject of a reference to the Government, and a Commissioner was deputed to investigate the charges which that gentleman brought against Mr. H. Inglis, the son-in-law of Colonel Lister. The charges were pronounced to be groundless.

49. The acts complained of by Mr. Sweetland sprung out of the disputes between Messrs. Duncan and Gibson on the one side and Mr. H. Inglis on the other, regarding the right to quarry limestone at Choon Cherra. It appears that on the 25th of February 1851 a complaint was made before the Assistant, Lieutenant Cave, by Sona Khasia, who leased the land to Mr. Inglis, that Mr. Cattell and other servants of Messrs. Duncan and Gibson had forcibly commenced quarrying limestone at Choon Cherra. The assistant having satisfied himself that there was a *prima facie* cause of complaint, issued a warrant for the arrest of the accused and bound down Mr. Cattell and others not to work lime in Sona Khasia's land in the hill jurisdiction.

50. On the 5th of March following a petition was given to the Magistrate by Messrs. Duncan and Gibson, complaining of the assault and unjust seizure of their servants by the Cherra court, and

asserting that Choon Cherra was situated within the Sylhet district, and that they held a lease of it from the ex-Raja of Jaintia and one Harradhun Khettre, they deriving their titles from the Collector of Sylhet. A communication was made with the Cherra authorities, and the Collector of Sylhet and the Magistrate, having found that the lime quarries in question were in the Sylhet district, awarded possession of the land under Act IV of 1840 to Messrs. Duncan and Gibson. Sona Khasia then appealed to the Sessions Judge, who upheld the award of the Magistrate. So far, the proceedings seem to have been regular and correct, excepting that Lieutenant Cave persisted in taking a *moochulka* from Mr. Cattell to the amount of Rs. 100 not to interfere with the property when it had been adjudged by the Magistrate not to be within his jurisdiction.

51. Some time after the passing of the Act-IV decision, the Assistant Magistrate of Sylhet revived the case of assault on the petition of Mr. Cattell, and issued a summon for the appearance of Sona Khasia, the complainant in the case above noted, and the *burkundaz* of the Cherra court, who was deputed to apprehend the defendants named by him. In reviving this case the real question regarding the possession of land having been settled, the Assistant Magistrate acted, I think, injudiciously, as it could only tend to aggravate the bad feeling existing between the parties. Colonel Lister declined to enforce the service of the summons, urging that the *burkundaz* was only executing the lawful orders of his court, and asserting that the land in dispute belonged to his jurisdiction and not to Sylhet. The matter was then referred to the Sudder court, and it was finally determined that the Commissioner of the Dacca Division should proceed to the spot and settle the boundary between the Khasia and Sylhet districts. But to proceed with the sequence of events. Then Sona Khasia on the part of Mr. Inglis complained on the 20th of October 1851 that Messrs. Duncan and Gibson had cut down some of his trees and clumps of bamboos, and had built some houses on the north bank of Choon Cherra. Lieutenant Cave at once treated the case as one of wanton destruction of Sona Khasia's property, and without first issuing a summons, sent a party of police, consisting of the thana mohurrir, three *burkundazes*, and four Khasia sepoys, to arrest Mr. Cattell. Mr. Cattell was a British subject. Lieutenant Cave was not then

vested with the powers of a Magistrate and in my humble opinion had no jurisdiction over him; but to issue a warrant on a charge of this description on the complaint of a native, cognizant as he was of the enmity between the parties, evinced, I think, a lamentable want of judgment. This was followed by a complaint on the part of Ukiam Khasia, a servant of Sona Khasia, who stated that on the 4th of November 1851 a party of Messrs. Duncan and Gibson's people crossed the river and severely assaulted him.

52. Messrs. Duncan and Gibson then complained to the Magistrate of Sylhet of the illegal arrest of their servants by the Cherra authorities, and the dispossession of the lands decreed to them, in violation of the provisions of Section 7, Act IV of 1840, when Mr. Larkins was deputed by the Magistrate of Sylhet to enquire on the spot into the truth of the complainant's allegation. While engaged in this enquiry, an assault was, it is stated, committed on Mr. Cattell by Mr. Inglis' people within a short distance of the place where Mr. Larkins, Mr. Gibson, and Mr. Duncan were standing. Mr. Larkins held a summary enquiry into the case, and reported his proceedings to the Magistrate. In the meantime the persons accused of assaulting Mr. Cattell, viz., Golucknath and Sheebchurn, had forwarded their account of the transaction to their master, who through his muktiair preferred a complaint before Lieutenant Cave, charging Messrs. Duncan Gibson, and Cattell and others, in all about 100 persons, with assaulting and attempting to murder his servants above named by drowning, and carrying off the property they had in their boat, aided and abetted by Mr. Larkins, who, it is alleged, unjustly charged the aggrieved with assaulting Mr. Cattell and Sooklall Sing, and put them on their trial, directing the darogah at the same time to falsify their statements. Lieutenant Cave called on the Magistrate of Sylhet to forward the two individuals to his court. He replied that they were under trial, and the matter, as far as the Cherra court was concerned, for the present dropped.

53. The trial proceeded in the Sylhet court, and on the evidence of Mr. Cattell, Messrs. Duncan and Gibson and others, Golucknath and Sheebchurn were found guilty of upsetting the boat in which Mr. Cattell and Sooklall Sing were, and pushing the latter

overboard, and were sentenced to pay a fine of Rs. 50 each, and on failure of payment to two months' simple imprisonment. The court rejected their defence, which was a repetition of the complaint made to Lieutenant Cave, and the evidence adduced in support of it as unworthy of credit. On appeal to the Sessions Judge, this order was upheld. The defendants then made a special appeal to the Sudder court. The court called on the Sessions Judge to state the precise crime of which he convicted the prisoners. He replied that he convicted them of assaulting the complainants and wilfully upsetting their boat, but the court held that the terms of the conviction did not sustain this finding, and quashed the proceedings.

54. I may here mention that to stop further disputes and collision between the courts of Cherra and Sylhet, Colonel Lister and the Sessions Judge agreed to make the stream the boundary, pending the decision of the Commissioner, and directed their police respectively to observe this arrangement. The Agent also directed his assistant to stay proceedings in the case pending before him.

55. The Commissioner decided that the boundary laid down in Captain Thuillier's survey map was the true boundary, and that the lands in dispute belonged to the jurisdiction of the Khasi Hills. The Government, by their orders of the 19th of November 1852, confirmed this decision, but directed the Cherra authorities to maintain existing arrangements as far as possible. Here the disputes should have ceased and determined. But Mr. Inglis was not satisfied, and moved the court, through the complainants, to revive the cases which had been held in abeyance. On the 1st of January 1853, Lieutenant Cave, with the sanction of the Agent, took up the cases of Sona Khasia and Ukiam Khasia, and on the petition of Sheebchurn and Golucknath took down their depositions and issued warrants for the arrest of some defendants and summons for the appearance of others. Mr. Gibson and Mr. Cattell fled the country; Mr. Duncan, it appears, had before left it, but their servants were arrested and punished as stated below.

Sona Khasia's case—The defendants stated that the land from which the trees were cut belonged to their master. Lieutenant Cave had, it is true, recorded his opinion that the stream was the

boundary of the two districts, and that the lands lying to the north of the stream, which are the lands from which the trees were cut, appertained to the Khasi Hills, but Messrs. Duncan and Gibson claimed the lands in question as belonging to the Sylhet district; and Mr. Larkins had, after visiting the spot, given it as his opinion that they formed a Government *khas mahal*, paying revenue to the Collector of Sylhet. Lieutenant Cave has proceeded against Mr. Cattell in this case, under Sections 29 and 30, Act XXXI of 1838, but without reference to the statement of Mr. Larkins, and the defence set up by Mr. Duncan and Mr. Gibson that the property was theirs, he convicted the defendants, who merely obeyed the orders of their master, of wantonly destroying Sona's property, and sentenced them to two months' imprisonment. There was no proof that the trees were unlawfully and maliciously cut down. It was a case of disputed property, and the criminal charge should, in my humble judgment, have been dismissed, and the complainant been referred for his remedy to an action for damages.

Ukiam Khasia's case—The witnesses deposed to the servants of Messrs. Duncan and Gibson coming across the river, and assaulting the prosecutor and striking him two blows with a stick. The evidence appeared to me of very doubtful credibility. The record did not show that the prosecutor suffered any severe injury, and certainly there appeared nothing in the case to justify the severe sentence of three months' imprisonment passed on the two defendants, who appeared to answer the charge.

56. The case of Golucknath and Sheebchurn is a most extraordinary one, and I deemed it my duty to set the case in detail before Lieutenant Cave and call for such explanation as he had to offer on his conduct. Appendix E contains a copy of my letters, dated the 30th August last, and of Lieutenant Cave's replies.

57. The explanation he has offered on each of the points noted by me is most unsatisfactory. I consider that Lieutenant Cave was in no way justified in acting on the complaint. It had been disposed of by a competent court, and even if in his unacquaintance with the practice of the courts he had doubts on the subject, which it appears

he entertained, common sense should have prompted him to refer the matter for the orders of his superiors. Then his supposing that the order of the Sudder court quashing the proceedings on a mere technical ground was tantamount to an acquittal, shows an unexcusable ignorance of official forms and law. The attachment of the personal property of a European for disobeying a summons is illegal under any circumstances. Lieutenant Cave states that it is the custom of the Cherra court to treat European British subjects as other people. I can only say, it is fortunate for him that he has not had to pay the penalty of this ignorance in an action before the Supreme Court. He does not deny that Messrs. Duncan and Gibson were the accredited agents of the local company, but seeks to justify his attachment of 5,000 maunds of coal belonging to the company, on the ground that Mr. Gibson had stated in conversation that he had a share in the company. Not only was an acknowledgement in this shape inadmissible, but even if admissible, it obviously would not warrant his attaching the joint property of several shares for the personal acts of one of the body.

58. The most staggering feature, however, in the case is that Lieutenant Cave should have passed a severe sentence of three months' imprisonment on the unfortunate servant of Messrs. Duncan and Gibson, without weighing the evidence brought forward in the Sylhet court, without considering the judgment of Messrs. Buckle and Skipwith, and the official report of Mr. Larkins, and without adverting to the glaring improbabilities of the charge. To suppose that 100 armed men headed by three Europeans, and in the presence of the Assistant Magistrate, would attack and severely assault Mr. Inglis' muktiars, and endeavour to drown them by holding their heads under the water, shows a degree of credulity as almost to exceed belief, and yet he must have believed these facts to justify the sentence passed by him. A translation of his very meagre judgement in the case is herewith forwarded.

59. Mr. Sweetland alludes to some other cases,—that of the Sylhet thana jemadar, Mahomed Asruff, who was deputed by the Magistrate of Sylhet to preserve the peace at Choon Cherra, deserves notice. He gave evidence in favour of Mr. Cattell, against

Golucknath and Sheebchurn. In July 1852 he was accused by Rutten Singh, an adherent of Mr. H. Inglis, of coming across the stream with 20 or 30 servants of Messrs. Duncan and Gibson, and carrying off limestones from the north bank of the river and assaulting the complainant. The jemadar was summoned at Cherra, and ordered to find security for his attendance at court. Unable to furnish security, a difficult matter for a stranger to do at a place like Cherra, he was put in jail until his witnesses arrived, and was then sentenced to pay a fine of Rs. 21. The confinement of a police officer on so trivial a charge for failing to give security was a harsh measure. The evidence of the prosecutors and the witnesses was not, I thought, satisfactory, and I observe that Lieutenant Cave took no notice of the statement of Mr. Larkins, which was with the record, that he did not see any limestones on the north bank of the river.

60. I think it unnecessary to dwell on the civil cases mentioned by Mr. Sweetland, as enough has, I think, been shown to satisfy His Lordship that Lieutenant Cave has, in the proceedings already commented on, committed grave irregularities and betrayed an extreme infirmity of judgment. He is a well-intentioned honourable young man, and I cannot believe, much as I disapproved of many of his acts, that he has, as alleged by Mr. Sweetland, identified himself with Mr. Inglis and been guilty of systematic wrong. He was quite ignorant of judicial duties when appointed assistant; he was placed in a most awkward position; his official superior was his commanding officer, and the father-in-law of Mr. Inglis, Mr. Gibson's rival in the trade. Party spirit arising out of the disputes between them had torn society into cliques. Lieutenant Cave had espoused warmly Mr. Inglis' cause, and under such influences his excessive credulity has led him to put entire confidence in the truth of Mr. Inglis' complaints and unconsciously to do injustice.

61. Mr. Inglis has the absolute control of the trade in the Cherra and Jaintia Hills, and through his connection with Colonel Lister, his long residence at Cherra, and the extent of his dealings, has acquired unbounded influence in the country, and I am constrained to add that the Cherra courts have lost the entire confidence of the people. The state of feeling amongst the natives is

such that no one would dare to bring an action or give evidence against Mr. Inglis. Every person I have conversed with spoke in this strain, and the proceedings of the court certainly strengthen the impression. Colonel Lister is an officer of high sense of honour, but he would naturally have a bias in favour of his son-in-law, and the fact of so intimate a relationship subsisting between them is quite sufficient to deter a native from seeking redress at his hands. I may observe that not one of the defendants who were sentenced in the cases above animadverted upon took the chance even of preferring an appeal to Colonel Lister against Lieutenant Cave's decision, which I can only attribute to native timidity.

62. No disputes at present happily exist, for Mr. Inglis has now no rival; but from his proneness to litigation and from the extent of his dealings, they may at any time recur, and whether they recur or not, the character of our tribunals for the impartial dispensation of justice must be upheld, and the interference of Government is, I think, called for. As the time is not far distant when Colonel Lister will obtain promotion, I would suggest that opportunity be taken to place the Cherra courts in regard to appeals in all civil and criminal matters under the control of the Civil and Sessions Judge of Sylhet.

63. The Agent to the Government should be vested with the full powers of a Magistrate in the Khasi and Jaintia Hills, and should manage our relations with the Khasia chieftains. He might or might not be placed in the command of the corps, but he should be an officer of experience and judgment, and it should be made a *sine qua non* condition of his holding the civil appointment that he should make himself conversant with the Khasia language. The business of the court is now conducted through the agency of an interpreter, which is a most objectionable system, and the language of the court is Bengali. As Bengali is a language quite foreign to the people, and the language of the Khasias is not a written language, it would be desirable, I think, to have the proceedings recorded in English, by which means the business will be more expeditiously and satisfactorily conducted.

64. There is no Government school in the Cherra or Jaintia Hills, but endeavours have been made, and not without some success, by the missionaries to enlighten the tribes.³⁸ The Revd. Mr Lewis has now three schools, and every person in the hills bears testimony to the steady, persevering, and unostentatious efforts which he is making to dispel the darkness and superstition of the people. Though he has received no encouragement from the authorities, he has done much good in his calling. He has formed a grammar in the Roman character; he has fixed the orthography of the language; he has translated portions of the Scripture and other useful books, and is now engaged in translating the New

Appendix G. Testament. The accompanying letter from him shows the number of schools which are now established and the number of pupils and converts, and explains the difficulty he has to contend with. The Khasias are without the invidious distinction of caste and without, I may say, religion, and it appears to me that Government should give an impulse to the well sustained exertions of missionaries by establishing a vernacular school. This measure will show the people that Government is not indifferent to the diffusion of education amongst them. Encouragement would also be unobjectionably rendered to the spread of knowledge were the Agent directed to confer the police appointments in his gift on educated in preference to uneducated Khasias if equally qualified to fill them.

65. The paved road across the hills is in excellent order. There is considerable traffic carried on between Assam and Sylhet by means of it, but the suspension bridge which was carried away in 1851 has not yet been erected, though its reconstruction has been long sanctioned.

66. The Cherra Poonjee jail contained, when I visited it, 45 prisoners employed in the manner noted in the margin. The cost of a working prisoner for a month of 30 days is Re. 1-9-0 and that of a non-working prisoner Re. 1-6-6. The accommodation is good and the food is ample. The medical officer suggests an alteration in the

- 34 on the roads.
- 2 making baskets.
- 2 mehters.
- 1 hospital dresser.
- 1 sick in hospital.
- 4 under examination.
- 1 sentenced to imprison-

ment without
labour.

clothing, viz., that, in addition to the blanket they at present receive, they may be allowed a dress composed of a pair of pyjamas and a loosely-fitting jacket with sleeves made of common country blanket. The suggestion is a judicious one, and should be adopted.

67. The jail establishment, with reference to the number of prisoners, is disproportionately large. It consists of 3 duffadars, 25 *burkundazes*, and two convict duffadars, and admits of reduction. The statement of increase and decrease of establishment shows a reduction in the expense within the last ten years of Rs. 312-1-0.

Appendix H.

68. Four of the Rajas³⁹ only waited on me. The only complaint I received from them was one from the Raja of Cherra Poonjee, complaining that the Political Agent did not, according to treaty, decide cases where the ryots of the Rajas and ours clashed, or the ryots of other chiefs and the Cherra people clashed in the presence of the Raja or his representative. Colonel Lister stated that he invariably decided these cases with the aid of a punchayet, in which are included some of the most respectable men of Cherra, and always in the presence of the Raja's muktia, and this seems to me to be the spirit of the engagement entered into with the Raja by Mr. Scott.

69. In conclusion, I would beg to draw attention to the bad condition of the monument which was erected by Government to the memory of the late Mr. Scott. The inscription quoted below shows the high estimation in which that distinguished officer was held by Government. I would suggest that the monument be brought on the books of the Executive Department, and be put and kept in proper repair. The marble slab is cracked, the inscription partly defaced, and the plastering is entirely gone:

In memory—

Of David Scott, Agent to the Governor General of the North-Eastern Frontier of Bengal and Commissioner of Revenue and Circuit in the district of Assam. North-Eastern part of Rungpur, Sherpur and Sylhet, died 20th August 1831, aged 45 years and 3 months.

This monument is erected by order of the Supreme government as a public and lasting record of its consideration for the personal character of the deceased, and of its estimation

of the eminent services rendered by him in the administration of the extensive territory committed to his charge. By his demise the Government has been deprived of a most zealous, able, and intelligent servant, whose loss it deeply lamented, while his name will long be held in grateful remembrance and veneration by the native population, to whom he was justly endeared by his impartial dispensation of justice, his kind and conciliatory manners, and his constant and unwearied endeavours to promote their happiness and welfare.

CALCUTTA,
The 27th September 1953.

A.J.M. MILLS,
Offg. Judge, Sudder Court.



Explanatory Notes

1. F.G. Lister, who for a long time commanded the Sylhet Light Infantry and was the leader of the British expedition in Khasi Hills, was the first Political Agent in Khasi Hills with headquarters at Cherrapunji.
2. Khasi.
3. David Scott was then Agent to the Governor-General for the North-East Frontier.
4. Nongkhlaw.
5. Raja of Gobha.
6. According to 1981 census the population of Khasi Hills is 667816 and that of the Jaintia Hills 156402, the total for the Khasi and Jaintia Hills being 829392.
7. 12 *Kears* (*Kedars*) = 1 *Hal* = 9.36 Bighas = 14400 sft. 16 *Hals* 8 *Kears* = 156 Bighas (or 52 Acres).
8. See R.B. Pemberton, *Report on the Eastern Frontier of British India*, first published in 1835, Second Impression by the Department of Historical and Antiquarian Studies, Gauhati, 1966; See Section 5, Sub-Section 3, pp. 230–269.
9. Mawsmmai.
10. Mairang.
11. 1 *lakh* = 100,000.
12. 1 maund (*Mon*) = 37.325 kilograms.
13. Bay-leaf.
14. Karbi.
15. At the time of British conquest in 1833 there were 16 Syiemships, 1 Wahdadarship, 1 Lyzgohship and 2 Sirdarships in Khasi Hills, See Hambr Barch. *The History and Culture of the Khasi People*, Shillong, 1967, pp. 106–131.
16. Langrin.
17. Nongstoin.
18. Nongspung.
19. Myllim.
20. Jidor.
21. U Sep.
22. Maharam.
23. Wahadadars.
24. Shella.
25. U Mit.
26. Mawmlu.
27. The number at the time of British annexation in 1835 was 15 Doloiship and 4 Sirdarship. See H.K. Barpujari, *Problem of the Hill Tribes: North-East Frontier*, Vol. II, Gauhati, 1976, p. 76.
28. Doloi.
29. Maternal uncle.
30. Pator.
31. Harry Inglis was the proprietor of the Inglis and Company and a son-in-law of Colonel Lister.
32. We are also not aware of any formal declaration to this effect. It appears that "On the 15th March 1835, Captain Lister took formal possession of Jaintiapur and issued a proclamation announcing the annexation of the Jaintia *pargana* to the British Dominion. The dependency of Gobha met the same fate a few weeks later. Deprived of his valuable possessions in the plains, Rajendra Singh gave up in disgust his

unremunerative territory in the hills which also passed into the hands of British. Though no opposition was given by the young Raja, the hill tribes of Jaintia did not submit to the new regime so easily. They broke into open rebellion shortly afterwards, which was easily suppressed and very liberal terms were given to the insurgents by Captain Lister to weaken their opposition." R.M. Lahiri, *The Annexation of Assam*, Calcutta, 1954, p. 157. Also see Letter from the Court of Directors, no. 17 of 1837. The Jaintia *parganas* were transferred to Sylhet district and in Gobha area to Nowgong. It is possible that the Jaintia remained under defacto control of Lister and eventually the Khasi and Jaintia Hills became his crown charge.

33. Sobhan.
34. Rambrai.
35. A *dhamri* was the one-fourth of a pice or *paisa*.
36. A *hat* is a periodical market.
37. Thomas Jones of the Welsh Presbyterian Mission, who came to Khasi Hills in 1841
38. In 1810 Rev. Krishna Chandra Pal was sent by the Serampur Baptist Mission to work among the Khasis. He contacted a few Bengali knowing Khasis at Bholaganj in Sylhet and converted three Khasis into Christianity. In 1813 he engaged a Khasi to translate the Bible into Khasi in Bengali character, which was published by the Serampur Mission. Rev. Pal also decided to start schools in Khasi Hills and prepared Khasi primers in Bengali script. In 1833 Alexander Lister of the Serampur Mission started three schools in Cherra area. Thomas Jones of the Welsh Presbyterian Mission arrived at Cherrapunji in 1841. The Bengali script was replaced by Roman for Khasi language since then.
39. Syiem.



APPENDIX A

Dated Cherra Poonjee, the 24th August 1853.

From—Dr. J. W. FLETCHER, F.R.C.S., Assistant Surgeon, Sylhet Light Infantry Battalion, and in Medical charge of the Jail and Civil Station of Cherra Poonjee.

To—A. J. M. MILLS, Esq., C.S., Offg. Judge of the Sudder Court.

In compliance with instructions received from the Medical Board, I have the honour to report, for your information, that the climate of this station I consider beneficial to health in a high degree; that the prisoners in jail are healthy, though they are perhaps less so than the natives generally at this place, on account of the dissipated lives a great many of them have previously led, most of them being Khasias, who are in the habit of drinking large quantities of native spirit and of eating dried fish in a partial state of decomposition. The usual number of prisoners in jail is about 60, and out of these generally two or three deaths occur during the year. Last year the mortality was greater, but this is to be accounted for in the following manner:—In October last about 20 prisoners were placed in jail, who all came from a village named Rallieng, around which are very unhealthy valleys and marshes wherein the men had sought refuge to escape capture. Consequently, on their arrival here, nearly the whole party were suffering from dysentery, some in a severe form. Most of the cases improved under medical treatment at first, but as relapses occurred, several died in consequence of their constitutions (being previously much impaired by dissipation and an irregular mode of living) giving way before so formidable a disease. That this increased mortality was in no way attributable to the climate of this station is distinctly proved by the fact that during the same year there was not a single death in the hospital of the Sylhet Light Infantry Battalion at this station. Indeed, during the last year and a half there have been only three deaths in the Military Hospital, two from small-pox and one from dysentery contracted in the plains, neither of which could be attributed in any way to the climate of Cherra; and the only severe cases I have had to treat amongst the sepoys have occurred in men who had just been on duty either at Cachar or some other outpost in the plains, and

returned to this station suffering from disease at the time of their arrival.

As I consider the prisoners in jail amply provided for all purposes of health with food and accommodation, the only suggestion for their improvement which I beg respectfully to offer is relative to their clothing, which I do not consider quite applicable for this cold and (for part of the year) damp climate. The alteration I propose is the following, that all the prisoners (or, if not all, those who are predisposed to rheumatism or dysentery, and who could be pointed out by the Civil Surgeon) may be allowed from the 1st of June to the 1st of March, in addition to the blanket they at present receive, a dress composed of woollen materials, such as common country blanket, and consisting of a pair of pyjamas and a loosely-fitting jacket with sleeves, instead of the present poor protection of red cloth or *kharwa*.

As regards the health of the natives in the district, the principal causes of mortality amongst them are periodical visitations—first of cholera in villages near the plains; and, secondly, of small-pox in all the villages indiscriminately in these hills. To prevent or at least modify the second cause, I beg respectfully to offer two suggestions,—firstly that means be taken by Government to effectually prevent the practice of inoculation of small-pox lymph, which is occasionally carried to a great extent by natives who come up from the plains for the purpose. From this cause last year small-pox raged fearfully in this neighbourhood, and many deaths occurred amongst the people inoculated, also amongst those who caught small-pox from them. Secondly, that two or three native vaccinators be allowed by Government and placed under the Civil Surgeon for the purpose of proceeding to the different surrounding villages to vaccinate the natives. Men who could speak the Khasia language would be best for the purpose, so that they could more readily make themselves understood. The Khasias have not that great objection to vaccination which natives of the plains have, at least if I may judge from last year, during which between three and four hundred came to my house at different times, soliciting to be vaccinated, which of course I acceded to.

In conclusion, I beg to offer a few remarks on the climate of this place.

The station of Chera Poonjee is situated on an elevation of 4,200 feet above the level of the sea, and in consequence of the rocky nature of the surface, it is very free from surrounding jungle and hence from malaria also. The temperature throughout the year varies remarkably little, the thermometer seldom in the hottest weather rising as high as 80 deg. in an open verandah. The highest I have seen it was 83 deg., whilst the lowest temperature registered last January at sunrise in an open verandah was 43 deg. This variation of only 40 deg. between the extremes of the hottest and coldest seasons of the year is remarkably small. From these circumstances and from the absence of malaria, I consider this climate extremely beneficial to health.

During four months in the year a great quantity of rain falls at Cherra; on an average about five hundred inches in the twelve months. Nevertheless I do not consider that it rains here for a greater space of time, if so great, during the year, as it does at other hill stations. The two I allude to are Mussoorie and Darjeeling, with both of which I am well acquainted. When rain falls here it usually comes down in great quantities (as much as 24 inches sometimes fall in 24 hours); but in consequence of the hard and sloping nature of the surface, the station is perfectly dry an hour or two after the rain has ceased: also the rain falls here principally in the night, as a proof of which I may mention that up to the present date (24th August) 348 inches 80 cents. of rain have fallen this year; of this quantity 275 inches and 95 cents. have fallen during the night between the hours of 6 P.M. and A.M. and the remainder viz., 72 inches and 85 cents. only, has fallen during the day between the hours of 8 A.M. and 6 P.M.

Also Cherra is very much more free from being constantly enveloped in clouds and mist than the hill stations above alluded to generally are during the rainy season. From this circumstance, and from the good coal fires kept here, a well-built house with a good thatch is much drier than houses in the plains of Bengal are during the rainy season, as a proof of which, paper which was placed on a room four years since looks now nearly as good as new.

From the above remarks I need hardly say that I have a high opinion of the climate of these hills; and should a sanitarium for European troops be required by Government in this part of India, I think a site may be chosen either at Cherra or farther in the interior, highly calculated to render the experiment successful.

The altitude in my opinion of these hills is quite sufficient for all purposes of health. It ranges from 4,200 to 5,900 feet. Indeed, in some cases of disease, I have seen injurious effects from the highly rarified state of the atmosphere which exists at the altitude of Landour and Darjeeling, both of which convalescent depôts are, I believe, above 7,000 feet. Besides which, in the winter the cold at so great a height is frequently too severe for invalids.

In answer to this opinion it may be said that this place has already been tried as a sanitarium for Europeans; but upon inquiry I find that the trial made could not have been otherwise than a failure; for the men were crowded together in buildings that were partially underground, and the portion that was above ground had only a single wall for protection, without any verandah. Consequently a residence in such damp and crowded buildings tended, I conclude, rather to create disease than remove it. For further remarks on this subject I beg to refer to pages 244 to 256 of a report on the Eastern Frontier of India by Captain Boileau Pemberton, in which the advantages of these hills as a sanitarium are spoken of, and the relative advantages and disadvantages of Cherra and other localities in these hills are also fully entered into.



APPENDIX B

No. 57, dated Cherra Poonjee, the 1st July 1853.

From—Lieutenant-Colonel F. G. LISTER, Political Agent of the Khasi Hills,
To—A. J. M. MILLS, Esq., Offg. Judge, Sudder Court, on deputation.

In compliance with the orders contained in your letter under date the 16th April last, I have the honor to submit the report called for. It seems, however, advisable in preparing the return regarding the "statistical resources of the district" to enter into a brief history of the Political Agency, and thereby show the Government relations with the country.

The jurisdiction of the Agency extends over the Khasi and Jaintia Hills.

The Khasi Hills are divided into several petty states of different degrees of power and extent, and came generally under Government control in consequence of the massacre in April 1829 of two British officers and some fifty or sixty native subjects at Nungklow, who were residing there under the terms of a treaty made by Mr. Scott with the *Khasia* chiefs some eighteen months previously.

To avenge this atrocity military expeditions were made against the perpetrators themselves and those affording them protection and assistance, and during this warfare the Khasias made two serious incursions into the British territories in the plains of Assam and Sylhet.

At the expiration of about four years the British power had been sufficiently felt, and the disaffected chiefs gave in their adhesion to the Government. Engagements and treaties were entered into, and certain conditions and fines imposed according to their different degrees of guilt, and with reference to their means of paying them. Their territories were then restored to them with the general jurisdiction of the same, subject to such control as the Government might determine.

For this supervision the Agency was established in February 1835. The powers with which the officers were invested will be

hereafter noticed. The general instructions given were that in those few villages which have become ours by right of conquest and form the jurisdiction of the Agency as little interference as possible should be exercised. Those villages which retained their independence, and which have been restored to their former chiefs, are only to be interfered with politically.

Shortly after the establishment of the Agency its jurisdiction was extended by the annexation of the Hill Territory or Jaintia Hills belonging to the Jaintia Raja, whose plain lands were attached to the districts of Assam and Sylhet in consequence of the part he had taken in the abduction of native British subjects for the purpose of human sacrifice and who declined to retain this hill country.

Thus, the whole of the Jaintia Hills and a small part of the Khasi Hills are subject to the sole jurisdiction of our courts.

The Khasi and Jaintia Hills are situated between 91° and 92° east longitude and 25° and 26° north latitude, bounded on north by the valley of Assam; south by zillah Sylhet; east by upper Cachar; west by the Garo Hills.

The area is about 3,500 square miles, and the population is estimated between 118,000 and 119,000 according to the census taken in 1846, since when there is reason to suppose that the population has rather decreased than otherwise, owing to deaths from cholera and small-pox. The latter disease is in general introduced into these hills by Bengali Kabirajes from the plains, who propagate it by inoculation, and there exists no regulation to prevent them.

The Government derives no revenue from the country.

The following is a statement of the annual receipts at the Agency on account of Government:

1st. Sale of the opium and ganja license. Average for last three years—Company's Rs. 135-4-9.

2nd. Ground rent of the building lots in the station of Cherra Poonjee—Company's Rs. 94.

3rd. Rent of Lakadong Coal Mines. Average for last two years—Company's Rs. 205.

4th. Sale of tribute goats. Average for last three years—Company's Rs. 34-3-8. This tribute, one he-goat for each village, was given by the chiefs to the Jaintia Raja as a token of submission, and the practice has been continued to us.

5th. Judicial fines from the villages of Sobar, Mamloo, and Rumrye.

From the first, Company's Rs. 300 per annum, imposed by the late Mr. Cracroft for the murder of two travellers on the road up from Thariah to Cherra. This village possesses in its limestone quarries, orange gardens, and betel-nut groves ample means for meeting this tax.

The second, Mamloo, was fined at the rate of one rupee each house, total Company's Rs. 55, in consequence of its inhabitants having sheltered and effected the escape of two outlaws during the disturbances. This village has by no means the wealth of the preceding one. Thirdly, the Rumrye villages were concerned in the inroad into Assam before alluded to. They were fined Company's Rs. 4,000, but their plain lands having been confiscated, their means were diminished in proportion. They pay this fine by instalments of Rs. 100 per annum.

Certain pottahs were given by the Collector of Sylhet under the supposition that the land belonged to his district, and the said land proving to be in the Jaintia Hills, these pottahs have been ordered by Government to be transferred to this office so recently that no rent is due. The number of pottahs is ten; the annual amount, Company's Rs. 350-2-0.

A tax on land is unknown amongst the Khasias. The revenues of the Khasia chiefs are derived from judicial fines and tolls levied on all goods in the markets of their villages. These tolls vary in amount according to the situation of the villages, and are either paid in money or in kind. The tolls are levied per load or according to the articles. One pice each man's load, and three *dumrees* each woman's load, seem to be the maximum, and half the same the minimum

rate. A handful of rice from the two baskets or *banghy* load, a pice per rupee's worth of corn, and $\frac{1}{2}$ *dumree* per pice worth of betel-nut, are about the extent of the tax on articles brought to market.

Land is entirely the property of the Khasias, and is held either by individuals or families. Estates are attached to certain offices amongst them. The sale of land is common. The station of Cherra Poonjee is the only land *khas* to the Government. It was exchanged by the Cherra Raja for an equal quantity in the plains.

The soil varies considerably according to the elevation and situation. Over the greatest part of the table land it so slightly covers the rocks as to be almost useless for agricultural purposes. In the small valleys it is generally of good quality, and on the slopes, where it lies thicker, it is suitable for a large variety of horticultural and agricultural products.

The difficulties of carriage and tillage, with the uncertainty of ripening from the violence of the rains and the denseness of the clouds, are serious obstacles to both improvement and extension of any cultivation.

Of horticultural produce, oranges take the lead. The plantations are situated at the foot of the southern face of the hills, and reach to an elevation of about 1,000 or 1,200 feet.

The export is about 400 or 500 lakhs a year, and is still increasing, the supply never being equal to the demand. The market is certain and the property about the best in the hills.

Potatoes are next in value. They are cultivated on the table land and on the slopes; the latter is an improved method of cultivation. The jungle is burnt and the ground manured with the charcoal, which recent experiments in England have proved best suited to the potato. This crop would prove a certain profit to the Khasias, if they merely supplied their own markets; but their gambling character induces them frequently to take their crop to Calcutta in the hope of a large return, and frequently to their complete ruin. The risk is in the early or late state of the crops in those parts from

whence Calcutta is supplied at a cheaper rate than can be done by the Khasias.

The amount cultivated annually is estimated at 30,000 maunds.

There has been a slight increase in the cultivation since the decline in the coal trade.

Cotton is grown on the low hills on the northern side of the range. It is of indifferent quality; annual quantity about 9,000 or 10,000 maunds. A coarse cinnamon is grown in the same locality in very small quantities.

Tezpát, betel-nut, *pán*, and spices are also exported in considerable quantities.

Rice of a good quality is grown towards the north and throughout the centre of the hills; but, even with a few other poor descriptions of grain, is not sufficient for the support of the people.

Of natural productions, the Khasias possess limestone, coal and iron.

The first and most valuable is found at intervals along the whole southern face of the hills, chiefly towards the bottom. Narrow streams navigable with canoes during the rains facilitate carriage. From 15 to 20 lakhs of maunds is quarried annually.

Coal is next in importance; but the difficulty and expense of carriage prevent its being of much commercial importance, as it cannot in Calcutta compete in price with English or Burdwan coal. Consequently, the exportation is limited to stations in the vicinity. The only mines of importance are those of Cherra and Lakadong. The first seems to be almost worked out. Of the latter a special report has been made to Government by Professor Oldham, Superintendent of Geological Survey, but no copy has been furnished to this office. Coal is found on the southern side of the hills, but generally near or on the summit. It is conveyed to the banks of streams at the bottom of the hills in baskets by coolies, and

there seems to be no improvement feasible except at greater expense than is at all called for.

Iron is found in the interior of the Khasia range. It exists in small grains, which are obtained by washing the excavated earth. The excavating ore, digging canals for water, which from the elevation requires to be economized, added in many cases to the carriage of the ore to the wooded districts to be smelted, renders the iron manufacture the most laborious trade, notwithstanding which it is the poorest paid. Very little is expended in the country, the greater part being exported to Assam and Sylhet. To the former district it is conveyed in the shape of *kodalis* or hoes, to Sylhet it is sent in lumps, and is used by the boat builders for clamps. Professor Oldham briefly notices in his report to Government the impossibility of increasing the manufacture according to European principles. Twenty thousand maunds is considered to be the annual export. No other manufacture is carried on by the Khasias.

The imports of the district comprise rice, salt, tobacco, dried fish, oil, corals, brass and copper utensils, cloths of all descriptions, cattle and goats.

There is no educational establishment connected with the Government. The Khasias have no written language. Very few have learnt the Bengali character. A Welsh Presbyterian mission has been established near the station, where the language is taught in the Roman character; but its success has been extremely limited.

Finally, with respect to the easy transport of commodities within the means of Government to aid, much communication takes place between Sylhet and Assam by means of the road constructed under order of Government across the hills. The destruction of a suspension bridge in June 1851 has impeded this communication, and its speedy re-erection is most desirable.

Civil and Criminal Administration

On the establishment of the Agency, in 1835, Captain Lister, the present incumbent, and Mr. H. Inglis, were appointed Political

Agent and Assistant. The powers given to the first were to fine to the extent of Rs. 500, and imprison for two years as Magistrate. In cases of graver character, with the aid of punchayet, fine Rs. 500, and imprison for five years. In cases requiring a still higher degree of punishment proceedings to be referred to the Nizamut Adawlut. The powers of the latter were to fine to the extent of Company's Rs. 200 and imprison for one year. These powers have been increased to those of a Magistrate. Mr. H. Inglis resigned in 1850, and Lieutenant Cave, the present incumbent, was appointed.

According to the spirit of Government instructions before noticed, and the Assam rules, arbitration is as much as possible resorted to, and little interference exercised with the people.

The Cherra Raja has the sole civil and criminal jurisdiction of his country decreed to him by treaty; but all cases between his subjects and ours or those of any other state are investigated in our court.

The Khyrim Raja and those noted in the margin have the same control over their subjects, as no treaty has ever been entered into with them; but it has been the practice to treat them on the same terms as the Cherra Raja.

Rajas of Lungree.
Nusting and Nuspoong.

In all the other States, besides the above description of cases, serious crimes are taken cognizance of in our court.

In the Jaintia Hills dullais or headmen are elected by vote in the village, and the election, if confirmed by the Agent, is for three years. All petty cases of criminal and civil nature within their districts are taken to these dullais, who investigate them with the aid of the respectable men of the place.

An appeal lies to the Assistant and from him to the Political Agent, as in other cases.

Objections to taking the case to dullais on account of family connections, and such like, are admitted, and the Assistant takes up the case direct.

Abstract statement of all cases instituted in the civil and criminal courts of Cherra for the past three years, viz., 1850, 1851 and 1852, is herewith* submitted, as are also copies of the files for those years, showing in what way each case was disposed of.

*Not printed.

Police.

There is only one thana for the whole of the police duties of these hills, the establishment of which was defined and regulated before the Jaintia Hills came under British rule. It is, however, found sufficient.

The thana is stationed at Cherra. It is composed as noted in the margin. The duty of the Bengali portion consists chiefly in executing warrants where Bengalis are concerned, or where Khasias and Bengalis are mixed up. Of the Khasia portion, one havildar and six sepoy are always located at Nungklow for the purpose of affording protection to travellers passing to and from Assam. The remainder under the jemadar are retained in attendance at Cherra with the view of being promptly detached when required into the interior after Khasia delinquents or on any other service connected with the peace of the country.

When murders or any other heinous offences occur, the headmen of villages, and in the Jaintia Hills the dullais report the same to the thana here, when the mohurrir with a part of his establishment proceeds to the locality and makes the usual enquiry.

The following suggestion I beg to submit for your consideration and assistance, viz., that a road which is much needed be made from Bordew to join on to the one opposite Pándua (within the Sylhet district) leading on to Theriah Ghat, distance under four miles; also a pucca bridge be erected over the Lungteeah nuddee. If these undertakings were effected, they would add much to the convenience of the public and tend to increase the traffic carried on between Sylhet and Assam.

Return of Khasia Chiefs under the Political control of the Political Agent of the Khasi Hills.

Names of Rajas and Sirdars	Number of dependent villages	Number of houses	Number of population	Remarks
1	2	3	4	5
Sobha Singh, Raja of Cherra.	61	2,060	10,300	By treaty, this chief retains the civil and criminal jurisdiction over his own subjects both in the hills and Burryaile in the plains; the latter place given him by the British Government in exchange for lands now forming the station of Cherra given up to the British Government by the late Raja Dewan Singh. Subjects of the British government absconding and taking shelter in the Raja's territories are to be given up on demand. Quarrels, etc., occurring between Bengalis and the Raja's subjects are settled by the Cherra authorities.
Hazar Singh, Raja of Mooleem.	75	1,840	9,200	Bur Manick, late Raja, ceded and gave up the whole of the country formerly possessed by him, lying to the south and east of the Oomyong river. The remaining part the raja holds under a sunnud from the Hon'ble Company. The business of the country is conducted by the Raja according to ancient custom, but without the power to put any one to death, and in cases of a serious nature this chief reports and makes over the parties to the Cherra courts. Bur Manick Raja also relinquished all claims to the country of Doomurreah in Assam, and agreed to pay a fine of Rs. 5,000. Subsequently the fine was commuted to constructing a road from Mooleem to Cherra. The above agreement was the result of a war by the Raja against the British Government.
Carried over	136	3,900	19,500	

Return of Khasia Chiefs under the Political control of the Political Agent of the Khasi Hills—continued

1	2	3	4	5
Brought forward	136	3,900	19,500	
Jeedur Singh, Raja of Nungklow	60	1,165	5,825	By treaty gives a right to the British Government to carry a road through his country, to construct guard-houses, bungalows, bridges, undertakes to furnish such articles as are to be had in his country when required, to arrest and hand over to the British authorities criminals taking shelter in his country. In all cases of a serious nature this chief reports and makes over the parties to the Cherra courts.
Oosep and Ramshye, Rajas of Maram	44	553	2,765	Hold their country under a sunnud from the Hon'ble Company on the same condition as the Raja of Mooleem.
Mishnee and three others, Wadadors of Chella Poonjee.	25	1,587	7,935	By an agreement agree to pay a fine of Rs. 4,000, to deliver criminals taking shelter in their country; not to make war or cause disturbances with any of the Rajas on friendly terms with the Hon'ble Company, and to bring all disputes between them and chiefs on friendly terms with the British Government before the Cherra authorities for settlement. These chiefs report all serious cases and make over the parties concerned for trial in the Cherra courts.
Sing Manick, Raja of Khyrim.	118	4,467	22,335	No treaties or agreements have been entered into with these chieftains. They dispose of all civil and criminal cases occurring amongst their own ryots in their respective jurisdictions. When clashing with subjects of the British Government or those of other chiefs, the cases are then taken up by the Cherra courts and disposed of according to their merits.
Soonder Sing, Raja of Langree (Langrin).	11	182	910	
Oomeet, Raja of Nust-ing (Nongstoin).	55	1,171	5,855	
Dhur Sing, Raja of Nuspoong.	11	267	1,335	
Carried over	460	13,292	66,460	

Return of Khasia Chiefs under the Political control of the Political Agent of the Khasi Hills—concluded

1	2	3	4	5
Brought forward	460	13,292	66,460	These chiefs have by agreements placed themselves under the protection and subjection of the British Government. Heinous offences committed in their jurisdictions are brought to the Cherra courts for adjudication. Petty cases are disposed of by themselves.
Jeet Sing, Raja of Mully.	7	63	315	
Oomur Sing, Raja of Rumrye.	16	482	2,410	
Oophar, Raja of Bhowall.	5	116	580	
Phan Sing, Raja of Murreow.	19	601	3,005	
Wan Sing, Raja of Mowwong.	9	225	1,125	
Oomur Sing, Raja of Mowlee.	7	287	1,435	
Bur Mon, Lungdoh of Syong.	19	496	2,480	
Jumkha, Sirdar of Moflung.	4	102	510	
Oosing, Sirdar of Jerang.	3	158	790	
Oosing, Sirdar of Dewura.	2	117	585	
Bona Chand, Sirdar of Mamloo.	1	80	400	
Jubur Singh, Sirdar of Mulung.	5	155	775	
Bon and five others, Sirdars of Sobar.	6	204	1,020	
Mon Singh and others, Sirdars of Moosinge.	1	102	510	
Total	564	16,480	82,400	

POLITICAL AGENT'S OFFICE;
KHASIA HILLS,
The 29th August 1853.

F. G. LISTER, *Lieut.-Col.*,
Political Agent.



TREATIES WITH KHASIA CHIEFTAINS

Dated the 10th September 1829

To—The Hon'ble Company.

WE, Dewan Singh Raja and Karbareea and others, Khasias of Cherra Poonjee, having for the protection of our country acknowledged our dependency to the Hon'ble Company, entered into this deed of agreement to the effect that we placed our territories under the protection of the Company.

Section I—We, in conjunction with those who reside and trade in our territory, shall continue to conduct the business of our territories, keeping the ryots contented, in conformity to the former rules and customs. This country will have no concern with any of the courts of Government, but should any person who has committed any evil deed come to our country from the territories of the Government, we shall, on demand, seize him forthwith and send him back.

Section II—Should any dispute arise with the Rajas of any other country, and it be considered fit to be investigated, we shall accept and submit to the judgment given by Government, and without the consent or permission of the Government we shall not rouse any dispute with the Raja of any other country.

Section III—Should any battle take place with Government on any hill, we shall immediately proceed with our troops and render assistance to Government.

Section IV—Mr. David Scott, Agent to the Governor-General, promises that should you act according to the aforesaid conditions, your territories will be protected in the proper manner on the part of the Government, and should you have any dispute with the Rajas of other countries, the same will be decided, and assistance will be given you in every matter. On these terms this *ekrar* is executed on both sides.

(True translation)
R.E. TWIDALE

TREATIES WITH KHASIA CHIEFTAINS

To—DAVID SCOTT, Esq., Agent to the Governor-General.

I, Dewan Singh, Raja of Cherra Poonjee, enter into this deed of agreement to the effect that, whereas some lands have been demanded from me by Government for the construction of edifices and houses for the residence of *Sahibs*, accordingly, I, Dewan Singh, Raja of Cherra Poonjee, of my own pleasure give the lands and execute this *ekrar*, to the following effect:

Section I—For the buildings, &c., I have given the lands in a place called Purrhean, i.e., Neechka Kooreea, situated to the east of Cherra Poonjee, and one side of the Sheutwoody river, where bamboo stakes have been fixed by Government. If more lands be required, then the lands to the east thereof shall be given, but in lieu of the entire quantity of land given out of my *raj*, I must get an equal quantity of land contiguous to the Company's *gunge* in Padua within zillah Sylhet.

Section II—Having established a *hât* in mauza Burryaile in a spot of ground which I purchased in the aforesaid zillah, I shall continue, according to the rules and usages of my country, to carry on the management of the *hât*, and investigate all affairs relating thereto, and the Government will have no concern in the investigation thereof; rather the Government having excluded the said spot from the said zillah, shall include it as rent-free property in Khasia territories. If any person committing any crime should take refuge within the aforesaid land belonging to me, he shall on demand be apprehended and sent back.

Whatever limestones may be produced on the Cherra Poonjee hills belonging to me, I shall allow the Government to take *gratis* when required.

Section IV—If any disputes arise among Bengalis, it will be decided by you; if any disputes arise among the Khasias, I shall investigate the same. Besides this, if a dispute arises between a Bengali and a Khasia, it will be decided in one sitting by me and a gentleman on the part of the Company. On these terms I have

TREATIES WITH KHASIA CHIEFTAINS

executed this *ekrar*, dated 10th September 1829, or 26th *Bhadra* 1236.

(True translation)

R. E. TWIDALE

To—The Hon'ble East India Company.

WE, Shoova Singh Raja and Beshaye Sirdar and others, Khasias, residents of Cherra Poonjee, do execute this deed of agreement to the effect that, whereas the locality which Raja Dewan Singh gave up in his lifetime to the Hon'ble Company by means of an *ekrar*, which he filed, for the purpose of building edifices for those who are sick among the *Sahibs*, is at present insufficient owing to many people of the Company having come to that place, we, according to the request (lit. permission) of Mr. David Scott, Agent to the Governor-General, give up to the Hon'ble Company in conformity to the terms of the former *ekrar*, filed by the Raja, all that land which lies to the south-east of that place, specified in the said *ekrar*, and extending up to Koorong and to the river, and file this *ekrar* to the effect that we shall act in conformity to the terms contained in the *ekrar* filed by the Raja. On these terms we have executed this *ekrar*, dated 19th October 1830, or *Kartik* 1237.

(True translation)

R. E. TWIDALE

To—The Political Agent at Cherra Poonjee.

I, Raja Shoova Singh, of Cherra Poonjee, execute this perpetual lease to the effect that, whereas coals are excavated and stones are cut from the hills named Oosharare, Oakashan, and Nankram included in Cherra Poonjee belonging to my *raj*, I grant this

TREATIES WITH KHASIA CHIEFTAINS

perpetual lease of those places for *kalkadar* and specify hereinbelow the conditions which will be carried into effect:

Section I—I shall receive from Government at the rate of one rupee per hundred maunds as the rents of whatever quantity of coal may be excavated by Government in the aforesaid places. I shall never demand more. There must be no prevention on the part of the Government for the Khasia people under my subjection to excavate coal and cut stones in those places. They will continue to excavate and cut without being charged. It will be mine to demand rents from them; but no other person will be at liberty to excavate coal and stones in those places without informing the Government, nor have I also the liberty to give any such power.

Section II—Whenever the Government shall desire to excavate the coal, it will excavate coal and stones according to the terms of this *pottah*. No new objection must be raised; if raised the same will be rejected.

Section III—Besides the localities mentioned above, in future in whatever place belonging to me coal and stones may be produced, in all such places Government will have a right to the coal and stones according to the terms of this *pottah*. On these terms I have executed and given this perpetual lease, dated 20th April 1840, or 19th *Bysak* 1247 B.S.

SHOOVASINGH,

Seal of the Raja

Raja

Witnessed by—

Shoomar Singh, Khasia, inhabitant of Cherra Poonjee.

Jattra Singh, Khasia, inhabitant of Soomah.

Chand Roy Dong, inhabitant of Soomah.

Bungsee, peon, inhabitant of Chambustah.

(True translation)

R. E. TWIDALE

TREATIES WITH KHASIA CHIEFTAINS

To—DAVID SCOTT, Esq., Agent to the Governor-General.

WHEREAS I, BURRO MANIKA, Raja of Khyrim, have waged war against the Government, which have suffered great loss, and whereas they have taken possession of my country, I tender appearance and acknowledging my dependence on, and placing myself under the protection of, the Hon'ble Company, I enter into this agreement regarding my country with the consent of the Sudder Judges in the year 1830:

Section I—That I make over to the Company the lands situated on the south and east of the river Umiam, and that I will not be able to interfere with those lands or with the ryots without the order of the Agent to the Governor-General.

Section II—That I as a dependent will manage in the usual manner the affairs of the country that remains in my hands in conformity to the stipulations contained in the *sunnud* granted to me by the Company; but I will never, without permission of said authority, pass sentence in a case of murder, and whenever a murder takes place I will give information of the same to the said authority.

Section III—That whenever the Company's troops pass through my country, I will supply them with provisions that are produced in the country, so as to make them comfortable, and shall receive the value of those provisions from the Company. That whenever any order shall be passed upon me for the construction of roads, bridges, & c., I will carry them into effect.

Section IV—Should any Raja fight against the Company, I with my native troops shall accompany the Company's army, but I shall, however, be supplied by the Company with provisions for my troops.

Section V—That I give up the claim which I made before respecting the boundary of Daish Doomaren, the river Aporea

TREATIES WITH KHASIA CHIEFTAINS

having been fixed as the boundary of it. But as the *hât* of Sonapore has been destroyed, I must receive from the Government some lands near to the said *hât*.

Section VI—That I will pay a fine of Rs. 5,000 on account of the expenses incurred by the Company in taking possession of my *raj* now and before.

Section VII—That should Raja Thirut Singh, the enemy of the Company, or his followers, come to my *raj*, I will immediately arrest and deliver them to the Government, and that if any person having committed a crime come to my country from any place in the Company's dominions, I bind myself to produce him. On these terms I execute this agreement, dated 15th January 1830, corresponding with 4th *Magh* 1236 (B.S.).

(True translation)

ISSEN CHUNDER CHATTERJEE

I, Chand Manika, do hereby enter into this agreement on behalf of Burro Manik, Raja of Mooleem Poonjee, to the effect that a fine of Rs. 5,000 imposed upon my maternal uncle, Burro Manick, not having been paid up to this day, I, who am his nephew, and shall therefore be the Raja of the said Mooleem Poonjee, agree to pay Rs. 1,000 out of the above sum to Captain Townshend at Cherra Poonjee within ten days and that with the remaining Rs. 4,000 I will construct a durable road from Mooleem Poonjee to Cherra Poonjee, leading to Myrung, fit for the easy passage of horses, those places which are bad and unfit for the road being repaired and levelled by the Company's people.

That as soon as the road is complete I will send notice to the *huzoor*, who will send a man to examine it, and should the road be approved of, a receipt for the above sum of Rs. 4,000 will be granted

TREATIES WITH KHASIA CHIEFTAINS

to me by your honour. On these terms I execute this agreement, dated 28th March 1834, corresponding with 16th *Chaitra* 1240.

(True translation)

ISSEN CHUNDER CHATTERJEE

To—The Political Agent to the Governor-General.

Whereas I, Songaph Raja, resident of Mohuram hills, have wantonly fought against the Government, and it has lost a great number of men, and incurred a great expenditure, and whereas by doing so I have committed a great fault, I crave amnesty for the past offences of myself and my subjects, the Khasias, and enter into the following agreement with the hope of being allowed to live as a Sirdar in my own country:

Section I—That having acknowledged my dependency on the Company, and being made by them Sirdar in my country, I agree to administer justice to my subjects as usual, but not to pass sentence of death upon any of them.

Section II—That whenever a body of the Company's troops passes through my country, I will attend to them, and supply them with provisions and other necessities, and receive the price thereof from the Company in the usual course.

Section III—That whenever I am required by the *Sahibs* to appear before them on account of any disturbances in the hills, I shall do so with all my Khasia people, and shall attend as long as I may be desired to be present, during which time only the provisions of my people will be charged to the Company.

Section IV—That if any person committing murder or dacoity conceal himself within my country, I bind myself to arrest and deliver him to the *Sahibs* when ordered to do so.



TREATIES WITH KHASIA CHIEFTAINS

Section V—That within one month from this date I will pay to the Company a fine of Rs. 2,000 for the pardon of my offences.

Section VI—That Chand Manick Raja and Burro Manik Raja, of Mooleem Poonjee, will stand security for the due fulfilment of the above conditions, and that I keep my (sister's son) nephew, Soolong Raja at Mooleem Poonjee, in order to execute all orders passed with reference to my country. On these conditions I execute this deed of agreement, dated 13th February 1839, corresponding with 3rd *Falgoon* 1246 (B.S.).

(True translation)

ISSEN CHUNDER CHATTERJEE

To—The Agent to the Governor-General.

We, Ramsing Raja and the son-in-law of Senjoo Rane and Uran Bhasan, residents of Mooleem Poonjee, having appeared this day before Mr. H. Inglis on the bank of the river Jadookata, do hereby of our own accord and free will execute this recognizance on the following conditions, and that we shall be held answerable if we fail in any way to fulfil them, and submit to any orders that may be passed by the *Sahibs*:

Section I—That if within the country between the river Jadookata and Pooran Nour on the west, and the western side of the river Makoe on the east, any Khasia kill or oppress, or in any way injure the Company's ryots, we will instantly produce the guilty persons and will be responsible for the losses incurred.

Section II—That we will never give the enemies of the Company provisions, assistance, or place in our country; but that if we receive any news regarding them we will send immediately through the "Dooardars" information of the same to the Government officers.



TREATIES WITH KHASIA CHIEFTAINS

Section III—That we will not allow the enemies of the Company to come to our market Pooran Saspore when it is opened.

Section IV—That whenever we are summoned by the *Sahibs* we shall make our appearance as soon as we receive the *hookoom-namah*. That if we act contrary to the stipulations contained in the above sections, we will submit to any order that may be passed against us. On these conditions we execute this deed of agreement, dated 21st November 1852, corresponding with 7th *Aghun* 1239

(True translation)

ISSEN CHUNDER CHATTERJEE

To—The Hon'ble Company.

Whereas a disturbance or battle took place in the hills, and we, Mishnee, Beer Sing, Shoomer, and Wookushun, Ohdadars of Chela Poonjee (and) Mayabar Poonjee, did not make our appearance and join with the Government, troops were sent to our villages, we now present ourselves and enter into the following agreement, and bind ourselves to act according to the stipulations therein contained:

Section I—We shall, for our fault, pay to the Government a fine of Rs. 4,000 on account of twelve *poonjees* by instalments; but the responsibility of paying the above sum rests with us four persons.

Section II—That on the side of river Boga within our territory there are limestones. That whatever place on the side of that river shall be selected by the officers of the Government, we shall always allow the Government to take *gratis* the limestones of that place if required. But the Government shall not be able to take (limestones) from any other place.

Section III—That if any person having committed any act in zillah Sylhet or any other place within the territory of the Hon'ble Company run away and take shelter in our territory, and if such



TREATIES WITH KHASIA CHIEFTAINS

person be summoned by the zillah courts, we will immediately produce him.

Section IV—That we will never quarrel and fight with the Company or with those Rajas who are in confederacy with the Company.

Section V—That if there arise a quarrel or dispute between us and the Rajas (who are in confederacy), then the Government will investigate and decide the matter. Upon these terms we execute this agreement, this 3rd day of September 1829, corresponding with 19th *Bhadra* 1236.

(True translation)

R. E. TWIDALE

We, Mishnee, Beer Singh, Shoomer, and Wookushun, Ohdadars of Chela Poonjee, execute this deed of instalment to the effect that, whereas we, being in fault, have executed an agreement for paying to the Government a fine of Rs. 4,000, and whereas we are unable to pay the said sum at once, therefore we shall pay the fine to Government by instalments, as per schedule. On these terms we execute the deed of instalments, 3rd September 1829 C.E., corresponding with 19th *Bhadra* 1236.

	<i>Schedule</i>	Rs.
1st Assin	...	1,000
In Falgoon	...	1,000
„ Bhadra 1237 B.S.	...	1,000
In Falgoon	...	1,000
Total	...	4,000

Four thousand rupees shall be paid by instalments.

(True translation)

R. E. TWIDALE

TREATIES WITH KHASIA CHIEFTAINS

To—The Agent to the Governor-General.

We, Wookushun Raja and Wooanluka Raja, residents of Mullai Poonjee, this day having appeared before Mr. H. Inglis on the bank of river Jadookata, do of our own accord and free will execute this recognizance as in the following sections, and will stand answerable for the violation of any of the terms thereof, and we will carry into effect the orders of the *Sahibs*:

Section I—If any of the Hon'ble Company's ryots within the space extending from river Dhalai (on the west) to the Khugoorah churrah, on the east, be killed, oppressed, or injured in any way, we will immediately produce the guilty persons and make reparation for the losses.

Section II—We will not give shelter, assistance, or provisions to the enemies of the Hon'ble Company; (on the contrary) if we get any news of the enemies of the Hon'ble Company we will, through Duardars, send information of the same to the Government officers.

Section III—We will not allow the enemies of the Government to come to our Bazar Nukrea, Burro Tikra, when it is opened.

Section IV—If we be summoned by the *Sahibs*, we shall present ourselves as soon as we receive the *hookoomnamah*. If we do not act according to the agreement contained in the above sections, we will obey whatever order may be passed (against us) by the *Sahibs*. On these terms this recognizance is entered into by us this day, the 21st of November 1832, corresponding with 7th *Aghun* 1239 B.S.

(True translation)

R. E. TWIDALE

To—The Hon'ble Company.

OAN Sirdar, resident of Sajur Poonjee, appertaining to Ramrye,

TREATIES WITH KHASIA CHIEFTAINS

do hereby execute this *kabuliyat* in the year 1839 to the effect that, whereas we, instead of presenting ourselves to the Government, have in collusion with the enemies of the Company fought battles against the Government, and caused a great injury to them; and that whereas, in consequence a fine of one rupee per house has been annually imposed, I therefore agree to pay fine of one rupee for each of the houses situated within my four *poonjees*, viz., Sajur Poonjee, Thomsam Poonjee, Lushkabun Poonjee, and Thahsan Poonjee, and that whenever any persons deputed by the Company pass through my *raj*, I will supply them with provisions and give them every assistance; and that on the arrival of the enemies of the Government in my country, I will arrest them and deliver them over. And that whenever any order may be passed by the Government, I will carry that into effect. On these terms I execute this *kabuliyat* dated the 9th February 1839.

(True translation)

ISSEN CHUNDER CHATTERJEE.

To—The Hon'ble Company.

I, Ooma Sirdar, inhabitant of Khuidas Beel Poonjee, appertaining to Ramrye, do execute this *kabuliyat* in the year 1839 to the effect that, whereas, instead of presenting ourselves to the Government, we, having joined the enemies of the Company fought battles and caused a great loss to the Government, and whereas, on my presenting myself to the Government and inhabiting and cultivating my own *poonjees*, I have been ordered to pay annually a fine of one rupee per house, therefore I do hereby agree to pay annually one rupee per house of Khindorin Poonjee and Noadeba belonging to me, and that whenever any persons deputed by the Company pass through my country I will supply them with provisions and give them every assistance, and that on the arrival of the enemies of the Company in my country I will arrest them and deliver them over to the authorities. And that I will act conformably to any order that

TREATIES WITH KHASIA CHIEFTAINS

may be passed by the Government. On these terms I execute this *kabuliyat*, dated 9th February 1833.

(True translation.)

ISSEN CHUNDER CHATTERJEE

To—MR. SCOTT. Agent to the Governor-General.

I, Ooma Khasia, Minister to U Zubber Singh, Raja of Ramrye, having presented myself before you, you have demanded from me 200 maunds of paddy for every ryot in the Raja's territories, therefore I enter into this agreement and promise to deliver the 200 maunds of paddy for every ryot to the Subadar employed there. That in case I fail to make over the paddy to the Subadar, I will submit to any order that may be passed upon me. On these conditions I execute this agreement, dated 15th *Bhadra* 1236 (B.S.).

(True translation.)

ISSEN CHUNDER CHATTERJEE.

I, Zubber Singh, Raja of Ramrye, execute this agreement to the effect that I and the *Bisayas* and ryots under me, having acknowledged ourselves to be the ryots and dependants of the Hon'ble Company, do hereby bind ourselves to obey and act in conformity to the order that may be passed in respect of my country, Ramrye, without any objection or excuse whatever.

Section I.—That whatever expenditure has been incurred by the Government in invading and taking possession of my country (after the residents of my country had quarrelled with the Government people) the same I shall without any objection realize from my hill ryots and pay.

Section II—That the petty cases which may be instituted in my country shall be decided by me in conjunction with *panchayat*, and

TREATIES WITH KHASIA CHIEFTAINS

in conformity with the custom and rules of my country. That information of murder cases shall be given to the Government and the cases shall be decided according to the regulations in force in the hills, after the murderers are apprehended and delivered.

Section III—That I will not do any injustice to my ryots, but keep them satisfied and contented.

Section IV—That neither I nor my subordinates will, without any reason, quarrel with the Government. If we do, we shall receive the punishment imposed upon the refractory people.

Section V—That I will, with the consent of the *Huzoor*, keep or discharge the *nuroos* of my country, and shall manage all the affairs with the advice of my ryots.

Section VI—That should the Government fight with any hill people, I will go with my troops and render assistance to the Government. On these terms I execute this agreement, 17th October 1829.

(True translation)

ISSEN CHUNDER CHATTERJEE.

To—The Hon'ble East India Company.

I, Wookwing Longdoo, inhabitant of Nongklang, appertaining to Rambrai, enter into this *kabuliyat* in 1229 (B.S.) to the effect that, whereas formerly I having absconded and joined the enemies of the Government, had fought against the people of the Government, and had thereby done a great mischief to the Hon'ble Company; and whereas now, on my inhabiting and cultivating my own *poonjee*, I have been ordered by the *Huzoor* to pay annually a fine of one rupee per house (of my ryots), I promise to pay annually one rupee per house in my five villages, *viz.*, Nongklang Poonjee, Nongmosas, Nowasim, Nowlungpur, and Nowajirnob. That whenever any Government officer be deputed to my country, I will

TREATIES WITH KHASIA CHIEFTAINS

supply him with provisions and give him assistance, and so forth. That should the enemies of the Government come to my country, I will arrest and deliver them up, and that I will carry into effect any order that may be passed by the Government. On these terms I execute this *kabuliyat*, dated 29th *Magh* 1229 (B.S.), corresponding with 9th February 1833.

(True translation)

ISSEN CHUNDER CHATTERJEE.

To—The Agent to the Governor-General.

We, Oan Sirdar, resident of Sajur Poonjee, Okenglung, resident of Nung Kunja Poonjee, Oman Sirdar, resident of Soondhuree, Ocnoya Sirdar, resident of Omasem, appertaining to Ramrye, having this day attended before Captain Lister, the Commanding Officer, do hereby of our own accord and free will execute this agreement in the following sections, dated 21st January 1835, corresponding with 9th *Magh* 1241 (B.S.):

Section I—That we are under the protection of the Company and acknowledge our dependence.

Section II—That we shall be glad and shall make no objection to investigation held by the Company's officers in cases of murder or other serious cases in our country, nor to the punishments that may be awarded by them.

Section III—That if there be any probability of war between us and people of another State, we will act as the Company may direct; and that if we have any quarrel with a different people, we will submit to the decision of the Company.

Section IV—That our debt of Rs. 8,485-13 to the Company is this day remitted, and we will annually pay the sum of Rs. 200 in the month of *Kartik* at any place we may be ordered to do so, taking the receipts for the payment from the authorities.



TREATIES WITH KHASIA CHIEFTAINS

Section V—That if we act contrary to any of the stipulations in the above sections, the Government may do anything which they think proper, and we will make no objection. On these terms we of our own accord execute this agreement.

(True translation)

ISSEN CHUNDER CHATTERJEE.

To—The Agent to the Governor-General.

We, Oan Sirdar, resident of Sajur Poonjee, Okenglung, resident of Nung Kunja Poonjee, Oman Sirdar, resident of Soondhuree, and Oman Sirdar, resident of Omaghun, appertaining to Ramrye, do enter into this recognizance to the effect that we, being indebted to the Company to the extent of Rs. 200, due by us on account of revenue for the year 1241 (B.S.), and that our ryots being hardly pressed, we pay this day Rs. 100 to Captain Lister and engage ourselves to pay the remaining Rs. 100 in the month of *Kartic* of the year 1242 (B.S.), together with present settlement mentioned in the *ekrar* at any place where we may be ordered to do so, taking the receipts thereof. But if we do not pay at that time we will submit to any order that may be passed upon us. On these conditions we execute this agreement, dated 10th *Magh* 1241 (B.S.) corresponding with 22nd January 1835.

(True translation)

ISSEN CHUNDER CHATTERJEE.

To—The Agent to the Governor-General.

I, Okar, inhabitant and Raja of Bhaul Poonjee, having this day presented myself before Captain Townshend at Cherra Poonjee, of my own accord and free will, and without any force, do hereby execute this agreement in the following terms. If I fail in any way to fulfil the terms hereof, I will be responsible for it, and will be subject to any order that may be passed upon me by the *Sahibs*:

TREATIES WITH KHASIA CHIEFTAINS

Section I—That if within the space bounded on the west by Bhowal *Churrah* or Hattee Khaddar, and on the east by the river Dholy or the western side of Dhung Dhoongia, the Khasias kill, oppress, or make any violence to any of the Company's subjects, I will deliver the guilty, and be responsible for the loss sustained.

Section II—That I will never give any assistance, shelter, or provisions to any of the enemies of the Company, and that whenever I shall receive any news regarding them, I will send through Duardars the information of the same to the *Sahibs*.

Section III—That I will not allow any of the Company's enemies to come to Sunjoy Aurung when it is opened.

Section IV—That whenever I may be called upon by the *Sahibs* I will attend immediately on receipt of the *hookoomnamah*. If I act contrary to the stipulations in the above paragraphs, I will submit to any order that may be passed upon me by the *Sahibs*. On these conditions I execute this recognizance, dated 11th December 1832, corresponding with 27th *Aghun* 1239 (B.S.)

(True translation)

ISSEN CHUNDER CHATTERJEE.

To—DAVID SCOTT, Esq., Agent to the Governor-General.

Whereas I, Woolar Singh, Raja of Murreah, had formerly entered into a conspiracy and fought against the people of the Hon'ble Company, I now for my future welfare make my appearance (before you) and enter into this recognizance to the effect that I will not again form such conspiracy, nor will I quarrel and fight against the people of the Government. That if I do so, I shall receive the punishment fixed for riotous people.

Section I—That my *raj* shall henceforward be under the control of the Government, and that I will keep the ryots of my *raj* satisfied

TREATIES WITH KHASIA CHIEFTAINS

and contented, and manage the affairs of the Khasia country as usual.

Section II—That I will continue to try, according to the rules of my country, whatever complaints may be instituted in my *raj*; that on the occurrence of any serious case, that is, murder, & c., I will give information of the same to your honour; and that in other matters I will act as directed by your honour. On these terms this recognizance is executed by me this day, the 12th of October 1829, corresponding with 27th *Assin* 1236.

(True translation)

R. E. TWIDALE.

To—DAVID SCOTT, Esq., Agent to the Governor-General.

We, Ooram, Oeang, Oefan, Obase, and Chunder Roy, inhabitants of Mokoondo Poonjee, do hereby execute this agreement in the year 1829 to the effect that a fine of Rs. 100 having been imposed upon us for our allowing Kaija, for whose arrest notice was issued, to live in our *poonjee*, and that we being unable to pay the above sum at present, we, as security for the above payment, pledge from among us Ooram and Oefan for 15 days, and promise that we will pay the above sum within that time and shall release the forementioned persons. That if we do not pay the above sum within the fixed time, they shall remain in pledge; but if within the fixed time we can deliver any of the persons for the arrest of whom notice has been served or produce his head in case of resistance, then our fine shall be remitted. On this condition we execute this agreement, dated 16th *Assin* 1236 (B.S.)

(True translation)

ISSEN CHUNDER CHATTERJEE.

To—FRANCIS JENKINS, Esq., Agent to the Governor-General.

Whereas the Hon'ble Company have been pleased to appoint me, Runjun Singh, inhabitant of Nuckna, as Raja of the territories

TREATIES WITH KHASIA CHIEFTAINS

of the former Raja Tirut Singh, I, of my own accord, enter into the following agreement, and I bind myself not to act in contravention thereof, and that my ministers also shall act in conformity thereto.

Section I—That I will make no objection or excuse to the Company's selecting and taking any land within the space called Namdane, lying between zillah Sylhet and Assam, for the construction of roads.

Section II—That I shall have no objection to the Company's taking any land they should think fit for the purpose of making bridges, erecting godowns, houses, and bungalows, fort and barracks.

Section III—That I and my ministers will supply, as soon as possible, as many coolies as may be required for the repairs of the forementioned roads, houses, & c.

Section IV—That if any of those lands that have been granted to me by the Company be required by them for the above purposes, I and my ministers will supply them with the following materials without any plea or objection:

Schedule of the materials—Wood, stones, slates, lime, and fuels, and if other materials be found in my country I will supply the same.

Section V—That if the Hon'ble Company send any of their cows, oxen (or other cattle), & c., to our country, I and my ministers will provide places for them to live in and pasture to feed on, and will be responsible for the losses of these cattle, & c.

Section VI—If any person guilty of heinous crime or any prisoner flying from the gaol come to my country from the territories of the Company I will immediately afford aid for the arrest of the guilty.

Section VII—That I will act in conformity to the stipulations contained in the above sections, and that if in any way I act contrary

TREATIES WITH KHASIA CHIEFTAINS

to them, I and my ministers will submit to any fine that should be imposed upon us by the Agent to the Governor-General.

Section VIII—That I will submit to the stipulations stated in the above paragraphs. That I shall continue to receive pension of Rs. 30 per month during one year, and if I get that pension my people shall live comfortably. They shall be subject to no oppression. This pension should be discontinued after the lapse of one year, and then I shall provide myself as before, dated 29th March 1834, corresponding with 17th *Chyte* 1240 (B.S.)

We, Roy Mon and Oojeer, inhabitants of Noboree, Oran, inhabitant of Myrung, Othess, inhabitant of Maothar Arbadool, inhabitant of Soong, Othess Nunge, inhabitant of Sanchee, Okhan, inhabitant of Molie, Omedth, inhabitant of Nossie, are appointed as ministers of the Raja, and bind ourselves by the agreements entered into by him, and shall be held responsible for any violation.

(True translation)

ISSEN CHUNDER CHATTERJEE.



APPENDIX C

KHASIA COURTS OF JUDICATURE

In the first place, a complaint is made before the chief against a certain party or parties, the facts and circumstances of which are also mostly detailed before the chief and his headmen, for the purpose of affording the means of a private reconciliation, but mostly from corrupt motives on the part of the chief and headmen, *i.e.*, for obtaining hush-money and clothes, &c., what is technically called in the plains *oiling the palms*. This is mostly the preliminary form in all suits, both criminal and civil. If this kind of a private court is not able to bring about a reconciliation between the parties, then the crier is sent out, who is mostly a slave, to publish at the *top of his voice* the durbar which is to assemble the following evening. He goes out to proclaim the durbar about 8 or 9 o'clock at night, when all the villagers have returned to the village from their usual daily pursuits. The proclamation is made also at different localities of the village, that all may hear. The proclamation, he commences with a *terrific barbarous* scream, with the following monosyllabic interjections:— “Kaw! thou, a fellow villager; thou, a fellow creature; thou, an old man; thou, who art grown up; thou, who art young; thou, a boy; thou, a child; thou, an infant; thou, who art little; thou, who art great. Hei! in his own village, in his own place. Hei! in his prohibition, in his own interdictions. Hei! in his own drawing of water. Hei! in his own drinking of water. Hei! that there is a quarrel. Hei! because there is a contest. Hei! for to cause to sit together. Hei! for to cause to wait together. Hei! for to cause to deliberate. Hei! for to give intelligence together. Hei! about to assemble in durbar, in surbar. Hei! for to hire. Hei! for to listen attentively. Hei! ye are forbidden. Hei! ye are stopped to draw water then; not to cut firewood then; no, Hei! to go as coolies then; no, Hei! to go to work then; no, Hei! to go a journey then; no, Hei! to descend to the valley then; no, Hei! he who is in company with the pouch. Hei! he who is in company with the bag; Hei! now come forth. Hei! now do appear. Hei! the hearing then is to be all in company. Hei! the listening attentively then is to be all together. Hei! for his own king. Hei! for his own master, lest the destruction

has come; lest piercing has overtaken us. Kaw! come forth now fellow mates."

By this proclamation all are stopped from going anywhere from the village the following day, and guards are placed at various points on the public roads and by paths for the purpose of apprehending all recusants to the above notice from whom, if necessary, they will take their working implements, and the chief will subject them to a fine. The following day from about 4 o'clock P.M. until sunset the *quorum* of some 200 or 300 villagers are gradually assembling at the place of durbar, which is in open air and which place every large village possesses, where a large number of stones have been arranged in a circular form for the citizens to sit upon; the place being a kind of a terrace perfectly level and clean, reminding one of the customs of the ancient Druids, or of the customs of the Greeks, referred to by Homer (Iliad B, 18 C, 503-4).

The proceedings are opened by one of the headmen, which then proceed for a long time, by other speakers concerning matter very *irrelevant* to the one in question, in a kind of round-about way, throwing out hints and intimations every now and then, bearing on the point of the accusation until it becomes warmer and warmer, and then the proceedings are more direct. The indications of it becoming a very tough and somewhat important trial are, that the complainant and defendant throw down any article from off their persons on the ground in the middle of the durbar, such as a turban or a native pouch containing certain native luxuries, &c., &c.; these are taken charge of by the chief until the end of the trial, and are regarded as the representatives, &c., henceforth of the parties in the suit, which pledges are also addressed most earnestly by the respective pleaders. These are called the *Mamla* (i.e., the two contending parties). The chief is the sole judge, aided by his headmen, and you may regard the whole of the citizens a jury, though they are very *obsequious* to their chief, *if he be an influential one*. Each party has its own pleader, who is rewarded by those for whom he pleads, either with a few rupees, or with some article of clothing, &c. Witnesses are examined by the judges, which witnesses are sworn by means of salt on the sword, which is the modern form, and which is not held in so much terror by the

Khasias as the ancient one, which by means of causing the witness to drink spirits out of a gourd, which is held very *sacred* by them, and which is accompanied by a form of invocation to their demons most fearful in its import, the ceremony being performed by a native consulter of demon oracles well inured into the practice. It is a very difficult matter to obtain worthy witnesses, owing to their being overcome by their superstitious fears, and other fears as well, arising from various causes. The trial may by adjournment continue for many days. The chief at length, summing up the evidence on both sides in his own way by a long judgment, announces sentence of condemnation of the one, or the acquittal of other parties, with hearty appeal to the whole of the durbar — “Is it not so, very young energetic ones?” to which they respond with one loud voice, “Yea! so, young energetic ones.” The acquitted party at the same time exulting vociferously. Corporal punishment is but seldom resorted to by this court, there being no prisons in the country. The criminal all the time is brought from the house of his relatives, they giving security for his appearance when required. The punishment is mostly a fine of Rs. 5, one pig of the value of from Rs. 5 to Rs. 10, and Rs. 15 one pig, and Rs. 53 one pig, and Rs. 106 one pig, and so on, in proportion to the enormity of the crime. In cases of theft when proved, the property is restored or value given to the owner besides the infliction of the fine and other costs. In all cases of inability to pay the fine, the criminal or criminals are made slaves to the chief for ever, and his posterity in all future time. It would be too lengthy to detail the process with respect to other cases besides theft. It would be much too lengthy to detail also the ceremony of the reconciliation of a quarrel.



FORM OF GOVERNMENT

It is difficult to say what form of government prevails in the country. I think the most proper definition would be to call it a mixed government. The chief is mostly controlled by the character of the people over which he is the head. His propensity is to be despotic, hence the Government prevailing in most parts of the hills presents the features of an absolute chieftainship, but even in that same territory the same chief in some large villages, owing to the independency and force of character of the inhabitants, has to descend to a *limited* chieftainship. And, again, all over the hills, owing to the very great *familiarity* existing between the chief and his subjects and his being so easy of access to all, the Government presents the features of that of a democratic one. The queens and members of royalty frequently going along with the villagers to the jungle to cut firewood and to draw water, and sitting in the market selling along with the rest.

Then the fact of his assembling together his subjects in durbar on all matters regarding his territory takes the aspect of republican form of government. There seems to be no use of suffrage in any matter. The chief is not elected, the chieftainship descends to the nephews, *i.e.*, the sons of the chief's sister. The headmen, who aid as a kind of a council, and who generally number 4 or 5, are not *elected*, but simply called by the chief at his own pleasure, and dismissed by him at his own pleasure, or they keep aloof if they choose, and others become obsequious to the chief in their places. In fact, in one word, the form of government is a perfect *medley*, owing to the form depending mainly upon the character of the chiefs, and that of the several people over whom they severally rule; and when *applied* to these principal sources, its habits are very similar to those of the little animal called the chameleon.

W. LEWIS



APPENDIX D

From—W. H. M. SWEETLAND, Esq.

To—A. J. M. MILLS, Esq., Commissioner of the Government of India.

I have the honor to acknowledge the receipt of your circular asking for information on the state of the districts in which I am resident, as to their criminal, civil, and fiscal state, &c. Having in June last taken charge of the coal mines belonging to the Sylhet Company, which had been long lying unworked in consequence of the acts of the Cherra Political Agent and his subordinates, I now, for your information, beg leave to submit a statement detailing the circumstances connected with the same as far as they have come to my knowledge in order to the removal of the evils complained of.

2. Messrs. Duncan and Gibson, the late Agents at this place for the Cherra coal mines, in 1850 or 1851, took a *pottah* of a spot of ground containing limestone at a place called Choon Cherra, about 40 miles to the north-east of Sylhet, and then belonging to that district. Some time after, possession of this spot was contested with Messrs. Duncan and Gibson by the son-in-law of the Political Agent at Cherra Poonjee, who claimed to hold it by right of *pottah* from one Sona Khasia, who stated that the spot in question was within the jurisdiction of Cherra. Choon Cherra belonged to the Raja of Jaintia, he holding a *pottah* from the Collector. Hurrudhun Kettre, a relative of the Raja, also took a *pottah* from the Collector for, I believe, a portion of the same for the purpose of quarrying limestone. Duncan and Gibson proceeding to work, Sona Khasia commenced an action against their servants in the Cherra court. A part of these men were at once arrested, taken off to Cherra, and there bound over in Rs. 50 penalty not to work further at Choon Cherra. The others immediately dropped their work, and went off in fear of consequences. The place from which the workmen had fled was taken possession of by the servants of the son-in-law of the Political Agent. On this, Messrs. Duncan and Gibson complained in the Sylhet court that the Cherra police and the servants of the individual in question had taken away their men out of the Sylhet jurisdiction without due authority; that in consequence their other people had gone off, their work stopped; that considerable loss

would accordingly accrue to them. On this, a communication was made of these circumstances to the Cherra authorities by the Magistrate of Sylhet, requesting an explanation, as the place in question was in the Sylhet district. The Cherra authorities sent copies of the proceedings in the Cherra court to the Magistrate of Sylhet. On receipt, that functionary referred to Collector of Sylhet to know whether he had given *pottahs* to the Raja and Hurrudhun Kettre. Also a communication was sent off to the darogah of Jaintiapore to know whether he placed or appointed a thannah at Choon Cherra, in short, whether the place was within his jurisdiction. The Collector also made a communication to his Deputy to know whether he made the settlements for the place in question, and to the Abkary Superintendent for Sylhet whether he did the same. They both replied in the affirmative. In short, that the place in question was in Sylhet. The darogah of Jaintiapore also replied to the same purpose, namely, that Choon Cherra was in zillah Sylhet. The Magistrate of Sylhet, after satisfying himself from this and other evidence, wrote to the Cherra authorities that he considered Choon Cherra to be in the district of Sylhet, for which see Mr. Magistrate Buckle's letter to Mr. Assistant Political Agent Cave, under date 29th of March 1851, also from the same to the same, under date 11th November 1851, also Mr. Assistant Magistrate Larkins' lengthened report on the boundary to the Sylhet Magistrate, under date 10th November 1851, No. 430; Mr. Magistrate Buckle's letters to Mr. Secretary J. P. Grant under dates 13th and 27th November 1851, also reporting gross outrage on Mr. Cattell. Mr. Assistant Political Agent Cave replied that he would go to the spot and examine himself. He after examination confirmed the view of the Sylhet authorities, for which see Mr. Assistant Political Agent Cave's letter to Mr. Magistrate Buckle under date 9th of April 1851.

The Magistrate of Sylhet decreed that Choon Cherra belonged to Messrs. Duncan and Gibson. Captain Thuillier's original map clearly shows Choon Cherra to be in Sylhet, and other original maps in the Sylhet Collectorate the same. The next one forwarded from the Revenue Survey Office, Calcutta, by which Mr. Raikes decided, shows it to be in Cherra. The area in British acres in both maps is stated to be the same, — a thing manifestly impossible. The

Raja of Jaintia offers the same testimony. The only conclusion to be arrived at is that Captain Thuillier's map No. 2, by which Mr. Raikes decided, is wrong. On Choon Cherra being put into the possession of Messrs. Duncan and Gibson, Sona Khasia complained to the Magistrate of Sylhet that the place in question was his, to which the Magistrate replied that he had already thoroughly examined the matter, as to right of possession as well as jurisdiction, and had decreed in favour of Messrs. Duncan and Gibson, that if he wished to appeal from his decision he must go into the Court of the Sessions Judge. Sona Khasia went into the Judge's Court, and the case was given against him. Choon Cherra was then formally placed in possession of Messrs. Duncan and Gibson by the Magistrate of Sylhet, and the retainers of the son-in-law of the Political Agent were removed from the place. Sona Khasia complained in the Cherra court that Mr. Cattell, Messrs. Duncan and Gibson's assistant, and others, were cutting jungle on lands belonging to him within the jurisdiction of Cherra. The authorities of Cherra called on Mr. Cattell to answer the charge. His principals at once petitioned the Collector of Sylhet on the subject, who ordered the Assistant Magistrate of Sylhet to investigate and report. Further, Messrs. Duncan and Gibson complained about this time that Mr. Cattell, their assistant, was residing at Lakadong; that a number of armed Cherra police came to seize him; surrounded his house; made use of the most threatening language; Mr. Cattell closed the doors, remained in this state several hours, and was obliged to escape by night to Sylhet. Previous to this the same party had visited Choon Cherra in search of him. This case also the Assistant Magistrate was directed to investigate and report on. In the execution of this duty, Mr. Assistant Magistrate Larkins proceeded to Choon Cherra. Messrs. Duncan, Gibson, and Cattell were in attendance there. After dusk on the evening of the day of the Assistant Magistrate's arrival, Mr. Cattell's boat was sunk by servants of the Political Agent's son-in-law in the presence of the Assistant Magistrate, and Messrs. Duncan and Gibson. The Assistant Magistrate at once arrested the perpetrators of the outrage, *flagrante delicto*, and sent them the next day prisoners into Sylhet. These men, Seebchurn Om and Golucknath Dutt, were tried for the offence by the Magistrate of Sylhet, convicted and fined Rs. 200. They appealed from the decision of the Magistrate to

the Judge, who upheld the Magistrate's conviction. On this they appealed to the Sudder Fouzdary Nizamut at Calcutta, who, it is said, contrary to precedent in like cases, allowed the appeal. Mr. Colvin, the Judge, before whom the appeal was heard, without calling for the papers, reversed the conviction of the courts below, and ordered the fine to be returned. The reason for the Sudder Court reversing the decision of the Sylhet courts I am unacquainted with. I should apprehend it could not be on the facts, for they are clear enough. Previous to this, Sona Khasia had commenced a civil action for damages in the court of the Judge of Sylhet against Messrs. Duncan, Gibson, and Cattell, Raja Rajendra Sing and Hurrudhun Kettre, that they had unlawfully taken possession of his (Sona Khasia's) lands, and were quarrying and carrying off limestone from the same. The parties attacked gave in their several replies, and showed their readiness to defend the suit, but Sona Khasia is said to have evaded giving his witnesses or bringing the case to a conclusion. Whilst matters were in this state Mr. Raikes was deputed from Dacca to examine and decide on the boundary. In Sylhet circuit-house, without visiting the spot, he, 40 miles from the place in question, decided that it was in the jurisdiction of Cherra and not in Sylhet. He could in this way quite as easily have settled the case in cutcherry in Dacca without coming to Sylhet at all.

Yet when Mr. Raikes made this report to the Government he must surely have been aware of certain reports of servants of the Government materially differing with these conclusions, or have been lamentably deficient in local information. The place in question (as before stated) has been described as pertaining to Sylhet in the original maps of the revenue survey and others of prior date, and by every official who had reported on the subject with the exception of Colonel Lister. I am led, therefore, inevitably to presume either that Mr. Raikes was ignorant not only of the Collector's view of the case, but of the report of the Government officers deputed to investigate this matter, or that Mr. Raikes adjusted his official opinion rather to the exigencies of the moment than the merits of the case. On the question of jurisdiction being decided in the manner above stated, Sona Khasia instantly withdrew his suit from the Sylhet Judge's Court, stating that he

should now go into that of Cherra, drew down the Cherra authorities on the unfortunate servants, among whom many, knowing the character of the court, fled; others not so lucky, perhaps bound to the spot by local ties, were laid hold of and expiated their fidelity in having served Messrs. Duncan and Gibson by different periods of imprisonment in Cherra jail. The parties convicted in the Sylhet court of committing the outrage at Choon Cherra in the presence of the Assistant Magistrate of Sylhet now turned the tables on their former prosecutors by a complaint in the Cherra court of having been beaten and otherwise ill-used at Choon Cherra by Messrs. Duncan, Gibson, and Cattell, by Raspahary Dewan, Sooklall Singh chapprassi, Ramdhon Tewaree chapprassi, Burrit Singh chapprassi, Rutton Singh chapprassi, Nul Singh chapprassi, Phooral Roy Chowdry contractor, Iamser Chowdry contractor, Nittanund Dhur Sircar, Ram Churn Sircar, Khalim Baburchi and others, whose names were unknown to them, in all from one hundred to one hundred and fifty persons. They accused Mr. Assistant Magistrate Larkins of aiding and abetting these parties in an assault on them, and of ordering the darogah to falsify their replies and evidence. Warrants from the Cherra court were issued for Raspahary, Sooklall Singh, Khalim Baburchi, and Krishna Churn Dhur. Whether Mr. Cattell was summoned or a warrant was issued for his apprehension I know not. Be it as it may, directly he knew the complaint was lodged, being perfectly acquainted with the character of the Cherra court from boyhood, he prudently fled by night without being able to stop to take leave of his family at Cherra. Mr. Cattell before this was marked by the Cherra court: whilst he was an assistant with Messrs. Duncan and Gibson a Khasia claimed from him in the Cherra court for work done at Bunghat by order of Mr. Cattell the amount of some hundred rupees. It was ruled, strange to say, by the court in question that this was a criminal, not a civil affair. Mr. Cattell denied liability as being only the servant of Messrs. Duncan and Gibson, which was well known to the whole neighbourhood; second, stated that the transactions in question had taken place at Bunghat in Sylhet, therefore he was not subject to the jurisdiction of Cherra; third, that the case was a civil, not a criminal, one. On receiving this answer the Cherra authorities in their fouzday capacity at once decreed for complainant; issued a warrant to

apprehend Mr. Cattell at Sylhet, on which he at once applied to the Judge for protection, stating the circumstances. It ended by the authorities of Sylhet refusing to allow execution of the Cherra warrant on the ground of its illegality. Mr. Cattell after this appealed to the Political Agent on the above grounds. This functionary, after the rebuff from the Sylhet authorities, and its consequent publicity, dismissed the case. All fled except Krishna Churn Dhur, who was not mentioned in the complaint. He was arrested, conveyed to Cherra, and, as he states, through fear of his life, endeavoured to save himself by resorting to a false defence implicating his master. All would not do: he expiated the offence of being in Messrs. Duncan and Gibson's service by three months' imprisonment and hard labour. A thana jemadar ordered by Magistrate of Sylhet to remain at Choon Cherra to prevent quarrels was complained against by the Political Agent's son-in-law's servants in the Cherra court and accused of giving orders to Messrs. Duncan and Gibson's servants to take away the former individual's limestone and beat his people: summoned to Cherra; fined Rs. 21; was sent to jail some time before he could get the money, where he states he was ill-used by order of the jail darogah. The jemadar lost his appointment: he had given evidence in favour of Mr. Cattell with reference to the assault at Choon Cherra. This was unpardonable in the eyes of the Cherra authorities. Mr. Gibson had a Bengali summons with an English translation served on him. He, knowing also the court he was dealing with, fled. On Mr. Gibson's flying, all the coal and limestone under his charge was immediately taken possession of by the Cherra court, the worth of which on the spot was Rs. 18,000. A man named Joygobind made a complaint against Messrs. Duncan and Gibson for Rs. 229. As far as I can learn, he produced no account, but merely brought witnesses to say that they believed Messrs. Duncan and Gibson owed him the money. The court decreed in his favour, attached at once 5,000 maunds of coal at Theria worth on the spot, at 8 annas per maund, Rs. 2,500. This attachment remained for many months, and was not taken off until some time in June last, when a native agent for the coal company paid the money. The company were put to great loss and inconvenience by the detention of the coal, being under contracts which they had to supply from other quarters. If the Cherra court had seized enough coal, say 120 maunds, to meet the demand, their

conduct would be perhaps unquestionable, but they seized all they could lay hands. Again, 5,000 maunds of coal was seized by the Cherra authorities at Alloutee in the jurisdiction of Sylhet, merely because Mr. Gibson failed to appear to the summons of the Cherra Magistrate. This was grossly illegal. This attachment remained for many months, to the great inconvenience and loss of the coal company. Not only this, but the Cherra court followed property sold by Messrs. Duncan and Gibson (such as lime and limestone) to parties residing in or about Sylhet and attached it. These parties call on me for a refund, which of course I am unable to make. I can only refer them to the Cherra court. They know it is no use to go there. Some of this lime since being attached by this court has been rendered worthless by allowing the sheds which covered it to fall down. The proceedings of the court in question I consider to be altogether illegal, it being well known that property cannot be followed after being *bonâ fide* sold by the original possessor. Of course, stolen property would be an exception; but I do not apprehend the Cherra court took this view of the matter. It was a wonder, under the circumstances that they had not sent *perwannahs* to Dacca and seized the coal and other property which Messrs. Duncan and Gibson had sold to persons there. The Cherra authorities, if they could do this in Sylhet, by the same rule could do the like in Dacca. Mr. Cave, the Magistrate of Cherra, acted in this case as one of Her Majesty's Justices of the Peace. He therefore should act by authority of the common and statute law of England. First, the Charter Act says an English summons shall be issued. Mr. Cave states that he issued a Bengali summons with an English translation to warn Mr. Gibson to appear. This certainly, I should suppose, would not in Her Majesty's Supreme Court be ruled to be an English summons, there being a contradiction in terms. Second, I know of no power belonging to a Justice of the Peace to subject a party not appearing to a summons to all the pains and penalties of the English statute of Proemunire or outlawry, so as in default of appearance to be able to confiscate all his property. His course should have been, for finding Mr. Gibson, who did not appear to the summons, to have issued a warrant, and had he succeeded in capturing him, to have proceeded to investigation, and if found guilty, fined him. If he refused to pay the fine, I believe, he (the Magistrate) has no remedy but that of committing him. Failing to

effect his capture, he could proceed no further, not even to adjudication, much more seize all his property. Suppose the Agent of the Peninsular and Oriental Company was in like predicament with the Chief Magistrate of Calcutta, would that functionary dare seize all the Company's coal or even the agent's private property if he failed to appear to a summons? I apprehend if the Magistrate did, Calcutta would be in a ferment, and the functionary so offending would not hold office many days or even hours, after it became justice.

I have now finished the precis of events from the commencement of Messrs. Duncan and Gibson's operations early in 1851 to the time of assuming charge myself in the latter days of June last. In this summary inaccuracies might have occurred, and the sequence of events not duly preserved; but I believe on the whole the matters herein contained will be found substantially correct.

3. On arriving here and assuming charge I found things in the utmost confusion; 5,000 maunds of coal, worth on the spot Rs. 2,500, was under attachment by the Cherra court on the complaint of a man named Joygobind for Rs. 229. Five thousand maunds of coal was under attachment at Alloutee, merely because Mr. Gibson failed to appear to the Magistrate of Cherra's summons. Although that functionary perfectly well knew the coal in question was not Mr. Gibson's property, but that of William Moran & Co., Messrs. Duncan and Gibson, long previously to this dispute occurring, having deposited that firm's power-of-attorney in the Cherra court, showing plainly that they merely acted as agents in the coal matters here. A number of boats were lying here on demurrage; the most pressing requisitions were being forwarded from Dacca and other depots for coal. Threats were being made by parties with whom the Calcutta Agents had contracted to supply coal of commencing legal proceedings for breach of the same, to avoid which they were obliged to purchase coal at Calcutta at a greatly enhanced price, and forward it to the points required. You yourself must be cognizant of this fact, for the steamer which brought you to Dacca also brought from Calcutta a supply of coal to that place purchased at the expense of the proprietors of these mines. Not the slightest doubt rests in my mind of the Cherra authorities having rendered

themselves liable to an action in the Supreme Court for illegal seizure of property at Allouttee, and consequent damage. However, the Government not having enforced the penalty to which the contractors in question had rendered themselves liable, they abstained from any other mode of righting themselves than that of representing the matter to yourself as being duly commissioned by Government to enquire into cases of this character. The day previous to my arrival here (22nd June), the native agent paid Joygobind's demand, which released 5,000 maunds of coal; but I did not succeed in releasing the 5,000 maunds of coal at Allouttee until the 11th of July, and then had to go personally to Cherra to accomplish it. In order to do this, I was obliged to give a certificate that the coal belonged to Messrs. William Moran & Co., which the Cherra authorities knew perfectly well before, and pay for the expense of attachment, thus adding insult to injury. There seems to be a strong propensity in some men, even among those who have a fair character for honesty and liberality, to rob and oppress one another according to law.

4. I now beg leave to remark on the case of Sutchurn Om and Golucknath Dutt, mooktears of Mr. Inglis, *versus* Messrs. Cattell, Gibson, Duncan, Mr. Assistant Magistrate Larkins, and others. This certainly is the most extraordinary case that ever came under my notice, emanating from a British court of justice. Before making any remarks on this case, I beg leave to preface that I found the attachment of the 5,000 maunds of coal at Allouttee was caused by the decree in this case. The authorities of Cherra after my arrival here delaying to release this coal, I had to go into its merits, not knowing but that the case might have to be argued on these grounds. This matter I have elsewhere given précis of. On looking into the complaint before the Cherra Magistrate in this case, I found that Mr. Assistant Magistrate Larkins was implicated, that he was accused by the complainants before the Cherra Magistrate of aiding and abetting the assault upon them, then of refusing to take down their defence, and, lastly, of directing the darogah to falsify their replies; this certainly no little astonished me. On looking further, I found that Nitanund Sircar, belonging to Messrs. Duncan and Gibson, was positively sworn to as being present. On enquiry, I find that out of the 14 people sworn to by name, the

Cherra court only issued processes for five, viz., Messrs. Gibson and Cattell, Raspahary, Sooklall Singh, and Khalim Baburchi, and also for one man who was not mentioned before, Krishna Churn. This man was not included in the original deposition, but his brother Nitand, who was here and to be got hold of if required. This latter was positively sworn to by the complainants. They were perfectly acquainted with his person. In fact, everyone knew him. Why was he not included in the process of the Cherra court? The reason appears to be that the prosecutors found out, after the time of the complaint being made, that he was not at Choon Cherra at all when the affray happened, but that his brother Krishna Churn was, which latter received three months' imprisonment in Cherra jail with hard labour. He states at the time the affray happened he was in his house making rope, and further states that when brought before the Cherra court, being so terrified, was obliged to resort to a false defence in order to save his life or mitigate the inevitable punishment to all people having served Messrs. Duncan and Gibson. But the great and striking feature of the case is the implication of the Assistant Magistrate of Sylhet. From the prosecutor's deposition it appears that he is the principal offender; in fact, the ringleader; that he aided and abetted the assault, or, to reduce it to the least, he took no steps to prevent a ruffianly attack being made on four or five defenceless individuals in his presence by a party of, according to the depositions, from 100 to 150 men. These certainly are grave charges to be made against a public functionary, acting in his judicial capacity: the man whose office it is to keep the peace, specially deputed to enquire into a breach of it, to be guilty of being the first to lead to its infraction. That the Magistrate of Cherra evidently believed the Assistant Magistrate of Sylhet to be guilty, I infer from the fact that he acted on the prosecutors' depositions, issuing warrants or other processes for the parties abovenamed, some of whom fled, and the single remaining one that was got hold of sent to hard labour in Cherra jail for three months. It is useless for the Cherra Magistrate to say "I credited that part of the prosecutor's deposition relative to Messrs. Gibson and Cattell and others; but I did not believe that part relating to the Assistant Magistrate; in short, I believe the prosecutors to have perjured themselves in one part of their complaint, but that they spoke the truth in other parts." I beg leave to say that, if this is his plea, it

would stand good in no British court of justice, that the complaint must stand or fall as a whole. It is impossible to take one part and say this is true and of the other this is false. Therefore, why was not the Assistant Magistrate called on to answer for his misdeeds, the same as the humblest of the lot, particularly as he was sworn to by the head and front of offence. On first looking into the depositions in question, this most certainly staggered me. The reason I consider is, that it would be inconvenient had the Assistant Magistrate been called on to answer to the charge, it would have brought two courts and two officers of the Government in direct contact with each other; this could not have been hid under a bushel, a great deal of noise would have been made, it would have attracted the notice of the public of India, would have been commented on strongly by the public prints to the great scandal of the Government, the whole matter leading to it would have been exposed, and this scandalous perversion of justice by the Cherra court would have been laid bare, and would have led to the immediate dismissal of the delinquents from office. This would have been death to the originators of this prosecution. They had no idea of going so far as to kill the hens that laid the golden eggs. The prosecutors only wanted to instil terror, and to show any parties who dared oppose their illegal and unjustifiable assumption of power, within the Cherra jurisdiction, who dared poach within their manor, that in opposing them they were opposing the Government of India, and to use a significant Venetian phrase "drawing against St. Mark." Was the Magistrate of Cherra when he did this aware of what he was doing? I cannot but believe that he was. However incompetent he may be as a Magistrate, he has sufficient sense to know the difference between right and wrong. It only wanted that much to know that if one part of a deposition on oath is untrue, the other is invalid. I believed that he, with a perfect knowledge of what he was about, lent himself to the originators of this prosecution, that he used the power with which the Government had clothed him (for the public benefit) for unjust purposes, and that he wilfully and knowingly did it. Yet in private life the Assistant Political Agent is said to be neither destitute of humanity, nor any of the more honorable feelings for which it is in vain to search in the generality of his public actions. Perhaps his character is rather to be considered among the many instances of feeble judgment perverted to injustice and persecution.

by the force of example and prejudice, than as stamped by any natural tendency towards oppression. Whatever the motives, however, which actuated his conduct, the results to Messrs. Duncan and Gibson, their servants and connections, could not have been more calamitous.

5. On looking into the papers containing the original proceedings before the Magistrate of Sylhet, in which the prosecutors at Cherra, as defendants, were convicted and fined, Mr. Assistant Magistrate Larkins in his report to the Magistrate of Sylhet, under date 10th of November 1851, No. 430, decides Choon Cherra, for reasons given, to be within the boundary of Sylhet; asks if the land in dispute belonged to Sona Khasia, why before this had he not brought a complaint against the people of the neighbourhood for cutting wood on his private property? Says in paragraph 4, "it was proved under Act IV of 1840 that Sona Khasia held no land in the Sylhet jurisdiction"; and in paragraph 5 states that on a certain piece of land, close to the spot in question, covered with dense and almost impenetrable jungle, people had been in the habit of cutting wood from time immemorial for conveyance to Sylhet for sale, without let, hindrance, or molestation from any one. Afterwards, when, according to Mr. Raikes' award, this spot was placed in Cherra jurisdiction, and the Cherra authorities had full fling, a number of Messrs. Duncan and Gibson's people were incarcerated in jail at Cherra, for different periods *in terrorem*, charged with cutting jungle for their master's service, on the spot on which, as the Assistant Magistrate reports, people had cut it from time immemorial, to their own use and behoof without let, hindrance, or molestation from any one. The Assistant Magistrate further goes on to say that the darogah, sepoy, and police from Cherra had frightened, abused, and otherwise maltreated Messrs. Duncan and Gibson's workmen at Choon Cherra, and, not contented with remaining within their own limits, had crossed into the jurisdiction of Sylhet on to the very spot decreed to Messrs. Duncan and Gibson by Mr. Magistrate Buckle, whose decree was upheld in appeal to the Judge of Sylhet, thus clearly bringing it under Section 7 of Act IV of 1840, under which the parties have complained. It is clearly proved by the evidence taken in my regular enquiry and by my own personal observation, that both the spot to which the

Cherra darogah had advanced, and likewise that where the sepoys were moored, and the order was given to fire, viz., on the south-east bank of the Fenny river, are both in the Sylhet jurisdiction. The complaint of the duplicity of the Jaintia thanadar gives, as reasons for believing his complicity, that he evaded coming to the assistance of Mr. Cattell, although called upon to do so, when surrounded by a band of ruffian police, said to be sent by the authorities of Cherra, either for the purpose of taking his life, seizing, maltreating, or bullying him. Mr. Cattell was obliged to escape by night to Sylhet. Twenty-four hours after, when the darogah knew the bloodhounds had left, he came to Lakadong with the whole *posse comitatus*, and reported to his superiors that he found no danger there. The Assistant Magistrate states that the darogah in question arrived at Choon Cherra with a large band of Mr. Inglis' men; this certainly looks neither becoming nor proper to come into the presence of his superior, provided with all the materials for a fray, with none of the Cherra police present to keep the peace, as there should have been, when an enquiry of this nature was going on. In concluding the report in question, the Assistant Magistrate records his conviction, that unless some decisive measures are taken to stop the continual aggression on the part of Sona Khasia, "I do not know what dreadful consequences may ensue, for it seems evident to me that no one is safe there alone." This argues certainly a very unsatisfactory state of things when such a decisive and damning verdict as this is passed on the conduct of the Cherra authorities by a fellow-official of irreproachable character, a man who had examined into, and knew all about, the matter, and when police placed by Government to protect the peaceable inhabitant in the pursuit of his calling, supported by the public, for the ends of public justice, are allowed by their Superintendent to be made use of as instruments of private revenge on unoffending Englishmen, for no other cause than that of crossing individual interests, and are by ruffians hunted from their houses at night, and obliged to fly to save their lives, like as many jackals. At this rate an Englishman would be safer alongside John Hikio Pah in New Zealand or among the savages of the Fugus, than in the Cherra jurisdiction, the only difference, perhaps, would be that the latter would, after killing, boil and eat you. However, that would not be much odds after a man is dead; for my own part if the condition was to be allowed to live quietly, die a natural death, be

afterwards boiled or roasted and then eaten, or be killed forthwith and not eaten, I would prefer the former. Mr. Assistant Magistrate Larkins, in his letter to the Collector of Sylhet, under date of 12th November 1851, brings to his notice that at Choon Cherra "all is oppression on the part of the Cherra court." Although the Cherra executive ask aid from that of Sylhet in executing their illegal processes, to wit, the lime and limestone seized after changing hands, and the 5,000 maunds of coal at Allouttee; still when any process emanating from Sylhet (bearing on the individual interests which the Cherra executive uphold) requires to be served in Cherra jurisdiction, the authorities there evade doing so. See Mr. Assistant Magistrate Larkins' letter to the Sessions Judge of Sylhet, under date 24th November 1851, for the circumstances giving cause to which the Cherra authorities were censured by the Calcutta Sudder Court. Messrs. Duncan and Gibson applied to the Cherra court for copies of complaint against them by Sona Khasia, also for copies of the depositions taken in the case. Mr. Cave answers that he has given copies once, that they shall have no more. Mr. Magistrate Buckle addresses Mr. Assistant Political Agent Cave, under date 24th November 1851, and charges the Cherra police with acting in opposition to Act IV of 1840, warning him that all persons so convicted of offending are liable to a fine of Rs. 200, or six months' imprisonment, or to both fine and imprisonment. With reference to the affray which occurred in the presence of Mr. Assistant Magistrate Larkins at Choon Cherra, on looking into the sworn depositions taken before Mr. Magistrate Buckle at Sylhet, on the 11th and 17th of November 1851, duly authenticated by seal and signature of that official, one finds that Mr. E. B. Cattell deposes that on the evening of the 17th November 1851, at Choon Cherra, his boat was capsized by Golucknath Dutt, Sutchurn Om aiding and abetting, by which the deponent and Sooklall Singh were thrown overboard at the imminent risk of their lives, until rescued by one of their own people; that he received information that more men were in the neighbourhood, apparently for the purpose of an affray; and that the whole transaction occurred in the presence of Mr. Assistant Magistrate Larkins, who arrested the perpetrators on the spot. Mr. Gibson deposes on oath that, when near the above functionary, he saw men struggling in the water. On the Assistant Magistrate going to see what was the matter, he followed him,

found Mr. Cattell dripping wet standing with Mr. Larkins. Mr. Cattell stated to him that Golucknath Dutt had capsized his boat, and thrown Sooklall Singh and himself into the water, from which he was rescued with difficulty. The police jemadar, on being questioned by Mr. Larkins, said he (the jemadar) saw Mr. Inglis' people jump into the river, and afterwards Mr. Cattell's boat was capsized. Golucknath was apprehended, and a few minutes afterwards Sutchurn, who stated that some of Messrs. Duncan and Gibson's people had pitched him in. Golucknath Dutt refused to answer the questions put; the matter was afterwards again investigated, when both men told the Assistant Magistrate that they had been thrown into the river, but stated inability to give any witnesses of the fact. Mr. Duncan in his evidence before the Sylhet Magistrate states substantiating the same facts. In remarking on this evidence, Mr. Gibson swears positively that the prisoners stated their inability to recognize any one who they said had assaulted them. In the Cherra court these people swear directly to a number of people by name. It must be evident from these discrepancies that wilful and corrupt perjury was resorted to either on one side or the other. I say nothing about the native evidence brought forward in Mr. Cattell's favour, but pass at once to the only disinterested party, as one who ought to be so, the Assistant Magistrate. In his report giving an account of the affray addressed to the Magistrate of Sylhet under date the 12th November 1851, No. 432½, he states that on arriving at Choon Cherra, he was informed that a large number of Mr. Inglis' men had arrived, which excited his suspicion of something wrong; whilst he was enquiring about it, the affray commenced, and he personally arrested one of the perpetrators, Golucknath Dutt; he confirms Messrs. Cattell, Gibson, and Duncan's evidence *in toto*; and says that neither they nor their people had more to do with the affray than being the parties attacked; in fact, he completely nullifies and disproves the whole of the complaint made by Golucknath Dutt and Seebchurn Om in the Cherra court, and on this the Assistant Political Agent bases his proceedings against Messrs. Cattell, Gibson, and others; while the Assistant Magistrate states that these latter "*were perfectly guiltless*". The Assistant Magistrate, after minutely detailing the whole proceeding, concluded in the following emphatic language—"This will give you some idea of the state of

things at Choon Cherra, and the annoyance experienced there by the workmen employed, whom I do not consider safe for a day." This I most certainly consider conclusive, and is a matter needing strict investigation; an officer of the Government, Mr. Assistant Magistrate Larkins, being implicated. Mr. Assistant Political Agent Cave, by acting on Golucknath Dutt, and Seebchurn Om's complaint, I consider, has expressed his deliberate belief of their testimony, rendering Mr. Assistant Magistrate Larkins obnoxious to the charge of reporting falsely; and the matter, as I can see, lies entirely between these two functionaries. One or other must be grossly wrong, and for the credit of the Government, whose servants they are, the matter should be closely sifted, and the truth should be ascertained. I have only selected this one case as an example. I am told that upwards of 30 cases of like nature were brought into the Cherra court against Messrs. Duncan and Gibson, or their servants merely to instil terror, and harass them. The originators of these proceedings may say that they were thus necessitated to defend their own interest; when there is a defect of right, an attempt is frequently made to justify oppression by alleging that it is a measure of necessity. Nothing of this kind was done in Sylhet or Mymensingh courts, merely because at these places justice could be got, and at Cherra not got. I have no need to go into the merits of any of the other cases, having selected one as an example, supported, illustrated, and proved it by written official documents. If the Cherra authorities can be proved to have acted with gross injustice in this, it may reasonably be inferred that they have done so in all. On one side are Messrs. Duncan, Gibson, Cattell and Mr. Assistant Magistrate Larkins *versus* two natives. The oaths of four credible, educated and respectable Englishmen, one of whom, the Assistant Magistrate, we will suppose to be entirely uninterested either way, must be held to be unimpeachable.

6. I first of all heard these extraordinary details in Calcutta from Mr. Duncan, they were afterwards confirmed by Messrs. Gibson and Cattell. I naturally enquired, when Choon Cherra was declared to be in Cherra jurisdiction, why he had not tried the right of possession in Cherra court. He replied it was of no use, and he only compromised his case for the following reasons:—the strong spirit of partisanship exhibited by the Cherra authorities in allowing their

police to be made use of to intimidate and bully his servants, his assistant being hunted from his house at Lakadong, his people being seized on and put in jail without any cause excepting that of having been in his service, and finally, Messrs. Gibson and Cattell having been ultimately driven from the district. These circumstances convinced him that he had the whole power of the local Government to contend with, merely because he had crossed the interests of the Political Agent's son-in-law. From the public manner in which the police was made use of to crush him, which was a matter of notoriety far and near, from the number of vexatious suits brought against him and his dependants, from the imprisonments which some of his servants had suffered, all which obtained similar notoriety, was in everybody's mouth, and patent to the whole region round about: from these facts he was convinced of the bias of the Political Agent, and that he must be, the same as other men, perfectly cognizant of the whole matter. Therefore it would have been useless to allow the case to be adjudicated under him. They were unable to defend any suit in the Cherra court from the fact of not being able to get a muktia, who would peril his property and liberty by taking up their suit; from the fact that no witnesses would attend the court to give testimony in their favour, with the certainty of having false charges made against them and being incarcerated in Cherra jail and from the fact that the dread inspired by the vengeance taken on the Khasias who supported Mr. Jones, whose witnesses suffered both in purse and person for the aid they rendered him. Mr. Duncan states that the reason why Messrs. Gibson and Cattell did not attend to the summons of the Cherra Magistrate was that, from the unscrupulous character of the court they were dealing with and of the party opposed to them, they were sure of its being intended, *coûte qui coute*, to imprison them. I suggested that at all events in a month a writ of *habeas corpus* would have been served out, and they could have turned the tables. "Four days would have been enough, in that time they would have been no more," was the answer. On my asking the reason of this most extraordinary assertion, they stated that all the jail officials were creatures of the man with whom they had been contending, and from the unscrupulous way in which they had been treated, they augured the worst; that the Assistant Political Agent rarely or ever visited the jail, and they might have been dead a week before he

knew anything about it; that no native would ever appeal from the sentence of the Cherra courts to the Supreme Company's Court in Calcutta, from the dread of the treatment he should experience during the month he would have to remain in jail before the appeal was allowed; that the court had degenerated into a mere registered office of the individual to whom they were opposed; that an individual named Jones had some years before exposed the conduct of the court in question; that whilst he was residing in a low place in the interior of the hills with his lady, a party of the Cherra police, under the pretence of delivering a letter from the authorities, requesting to know whether he had a license to reside in the hills, with threats and menaces that alarmed her for her husband's life, forced the bungalow's doors, although she stood in the verandah in a state of the greatest agony, begging them to desist, with pen, ink, and paper in her hands, offering to give the required answer; that Mr. Jones afterwards was obliged to fly for his life from the Cherra jurisdiction over the hills in the direction of Assam; that early in 1849, a charge of trespass was brought against him by the son-in-law of the Political Agent in Her Majesty's Supreme Court at Calcutta; that his witnesses when *en route* to Calcutta were seized and brought back from Sylhet to Cherra, under a process issuing from the Political Agency backed by the Magistrate of Sylhet, under a charge of perjury. Mr. Jones, thus losing the benefit of their evidence, from the multiplied persecutions and indignities he had suffered, shortly died of a broken heart. Such are the statements of Messrs. Duncan, Gibson, and Cattell, *scandalum magnatum*, as lawyers say. I do not vouch for their truth, I merely give them as I received them, and they must be taken at what they are worth. Mr. Duncan I know intimately, we were together for years, executing surveys in the service of a great public company, therefore I had every opportunity of observing and knowing what kind of man he was. I found him the most unimpassioned man I ever met with; no provocation would be sufficient to make him lose his temper. I also believe him to be a veracious and honest man, well-educated and connected. I do most implicitly believe that the evidence on oath which he gave in the Sylhet court respecting the affray at Choon Cherra was the truth, and that he was incapable of allowing his position to bias his testimony. Of Messrs. Gibson and Cattell, my acquaintance was too slight to allow me to say anything, merely

having seen them on one or two occasions, but from general report here they would appear to be men of unblemished character. That the Cherra authorities have before been brought to the notice of the Government, I know from the fact of having in my possession copies of letters of Mr. Jones to Mr. Secretary Halliday under date 18th October 1848, 23rd and 27th *idem*. These documents I found among the mine records, they distinctly state that the Political Agent will do nothing against the interest of his son-in-law, and make other grave charges.

On the above, I beg leave to remark that it may perhaps be said in defence, if occasional injustice has been committed by the Cherra authorities, that generally it was not so. Let no man who generously reveres the public liberty or selfishly adores his own, suffer even such a thought to cross his mind; the slightest safety for the lives and property of mankind is utterly incompatible with the least judicial compromise between the utmost despotism that enables a sultan to bowstring any subject whose wealth he covets, and those British rights that enable an Englishman to withstand and triumph over the utmost strength of the Crown when unjustly exerted. When once unfair influence obtains among the tribunals of any country, it is idle to enquire to what extent it may proceed; its limits will only be bounded by the limits of the power to corrupt and intimidate, the wish to screen or revenge; the influence, in short, of power or gold from the possession of a power, so irrationally gigantic, so wholly uncontrollable, so little responsible, how few human minds are capable of escaping without contamination; while therefore we blame the outrages into which it has led its possessors, the criminality should be laid less on the culprits than the system that corrupts them. The point, however, to be demonstrated, comes home equally forcible and sharp. Any of the statements concerning Mr. Jones or Mr. Cattell, which I have alluded to, as given me by Messrs. Duncan, Gibson, and Cattell, can be easily verified at Cherra, by enquiring of Mr. Jones, who is residing there at present, as also Mr. Cattell's mother and other members of his family.

7. A native agent had been despatched here, selected from having been a vakeel in the superior courts of the Government of

India, and therefore supposed to possess every experience needful in dealing with the Cherra authorities. On arrival here in June last, I found this man in charge and affairs in the utmost confusion: coal under attachment, and a number of boats which had been despatched to take it away under demurrage, no coal being brought down, in fact everything at a standstill. He (the agent) had been ordered to proceed to Cherra; but, instead of doing this he got another man, one from his own country, and sent him there instead. On my enquiring the reason of this, he told me, if he went there, from what he heard in Sylhet, it would be at the risk of his life or liberty; therefore no money would be sufficient to induce him to do so. If he had gone there, his experience would have been of no use, as he had been accustomed to plead in courts of law where justice was to be had, but that at Cherra there was neither. I had to go to Cherra myself, the man whom he employed came to me, said he was afraid, "dumeswed," as the natives express it, and wished to be rid of such a perilous mission. I said very well, he could be off, and had to settle the matter myself. In a civil case in the Cherra court brought by a man called Joygobind, against Messrs. Duncan and Gibson, for Rs. 229, for which 5,000 maunds of coal was attached at Terria worth Rs. 2,500 on the spot, I found the native agent had paid the money without dispute, although the man could only rightfully claim Rs. 125; the reason he assigned for paying the amount in full was his inability to get the witnesses to go into the Cherra jurisdiction, not one would go, he stated, if Rs. 1,000 were offered him, from fear of coming under the displeasure of a single individual. Every one conversant with Bengalis will know the amount of dread which such persons can strike by working on that unconquerable feeling, which whispers to them that such men are set above the law. I have had the greatest trouble in engaging people to bring the coal down from the Jaintia Hills, from their fear of being laid hold of and put into jail, the same as the former mine servants. Common report confirms all the statements of Messrs. Duncan, Gibson, and Cattell. The Sylhet officials in the documents I have before quoted to a great extent confirm them. That extraordinary case of Sutchurn Om and Golucknath Dutt *versus* Messrs. Gibson, Cattell, and others, from having been decided in directly opposite ways in the two courts on the same facts, shows that one or other must have acted grossly wrongly; that gross

perjury must have been resorted to on one side, and from implicating the Assistant Magistrate of Sylhet, places that gentleman in a most awkward position. Are not these facts sufficient to stagger a man? With respect to the above matters, I can speak still more strongly, both because I am exempt from any personal participation in the dispute and because the facts are more conclusively at command.

I have now travelled 14 years in India, from the extreme north-eastern frontier of Assam to Guzerat. I have had every opportunity of knowing the official character of the different judicial officers of the Government, and seen their modes of procedure; some I have seen do occasional arbitrary acts, but systematic wrong, I am, as an Englishman, proud to say, I never knew them to be guilty of. I am sorry I cannot say the same at Cherra: from the facts before stated I am compelled to say that I believe the authorities there are partisans of the individual who was opposed to Messrs. Duncan and Gibson, have identified themselves with him, and been guilty of systematic wrong in pursuit of a calling, honorable in proportion to the principle with which it is exercised.

8. Having brought these matters to your notice, I now respectfully beg leave, if within the compass of your authority, that you will settle to whom Choon Cherra belongs, the agents of Messrs. Duncan and Gibson or Mr. H. Inglis. By doing this, one of the most fertile causes of quarrel will be removed. I shall interpose no technical difficulties, if in my power to do so, but meet the case entirely on its merits, only wishing that right may take place. The question of jurisdiction makes very little difference to me, whether it is in Cherra or Sylhet, if the same justice is to be had at one place as the other, that is the gravamen of the matter, and the point on which it turns. As to Mr. Assistant Political Agent Cave settling the case, he is unable to do it, he does not know how. If you doubt this, you have only to make him settle a case or two before you, taken at random from the file. He has a very slight knowledge of the language, when adjudicating on matters becomes confused, flounders about, gets like a ship between two highlands in baffling winds in the doldrums, can neither go ahead or astern, founders, down he goes. If it is seen that a judicial officer has not that common sense

which leads to a knowledge of human nature, and therefore cannot satisfactorily discharge the duty of his station, he should not be permitted to retain his office. The Political Agent, from the bias he is known to possess, I should not consider an impartial person. The individual filling such an office as this should carefully avoid all partisanship, his deliberations should be grave, decorous, courteous, and firm. The representative of the Government being a ruler, chief and elder of the people, ought to bear meekly and suitably his high honour, and do justice thereby to those he represents. I should, under the above circumstances, feel obliged by your settling the right of possession to Choon Cherra yourself, if possible. With regard to a Khasia interpreter, should it be required in any case in which I am concerned, I should have a great objection to an individual named Shadwell, connected with the Cherra court, as I am credibly informed that in the case of Mr. Hainforth against the Cherra people, he as interpreter falsified the evidence. Mr Pryse, a Missionary here, who speaks Khasia, would be, I consider, the proper man, if he would allow his services to be made use of.

9. My leading object is to put forth a clear and temperate exposition of existing evils and to suggest such remedies, complete or partial, for these evils as may appear to be practicable and efficacious. I would therefore beg leave to recommend the abolition of the Political Agency altogether, making Cherra a Joint-Magistracy of Sylhet; and that the Officer Commanding the military be restricted to his military duties, and execute the requisitions of the civil officer. I see no necessity of continuing the headquarters of the Sylhet Light Infantry at Cherra; an Ensign with 100 men would be sufficient for all the duties in the hills, for the fear-stricken Khasia wants upholding rather than depressing. The headquarters in my opinion should be at Dudpatlee, so as to be at hand to protect Cachar from the Loochyis, and be a support to the Mynpoories: they might also do the station duties at Sylhet, Commilah, and at Dacca.

2nd. Should the Government consider imposing regulations on the Khasi Hills inapplicable to the present state of the population, then let them put a competent Magistrate in charge, the same as in Cachar, with an appeal to the Judge of Sylhet.

3rd. If the Political Agency is to be continued, then let them remove the present Agency, and put others in their place. I beg respectfully to say that some change must take place that will render life and property safe. Property one may lose elsewhere without repining, for the gains of one place compensate for the losses of another, but a man's life is a venture which cannot be apportioned or divided; but is lost all on one cast when it runs into danger, and in no part of India does that danger meet him in so fearful and repulsive a form as in Cherra. Men will for a very small reward, or even for sport, face the open danger of the field; but to know that from these things you are protected by no innocence of life, by no courtesy of demeanour, by no liberality, by no justice, by no mercy, by no sacrifice short of your means of livelihood, by no popularity, is a trial which shakes the nerves of the boldest and renders men ready to brave anything anywhere, rather than wither within under the feverish and agonising anxieties of life in the Khasi Hills. I beg leave to ask, what has raised the imports into India from 6,000,000 of pounds sterling in 1834 to 14,000,000 in 1849, the exports from 8,000,000 in 1834 to 18,000,000 in 1849. From the capital, enterprise, and skill of the British merchants take away security to life and property, and both exports and imports will sink more rapidly than they have risen. Should the present system be allowed to remain something serious may occur. Some Englishman will perhaps come here whose English spirits will not brook his property being illegally seized before his eyes; his servants being imprisoned merely because they served him, and being bullied in his own house by a ruffian police (who are paid by the public for his protection), and finally being hunted down like a jackal and irretrievably ruined, he will perhaps think that having lost all his earthly goods and suffered multiplied indignities, besides that his life is of very little value, will resist to the death, and blood will be shed. This will make so great a noise and excite so much public attention, that through the force of public opinion the Government will be obliged to change the administration under far different circumstances than they can do at present; now they can do it with credit to themselves; in the case supposed, with discredit. The case I have assumed is by no means an hypothetical one; if the authorities spoken of go on in the way they have been going the last five years, and emboldened by the impunity they have enjoyed from bad to

worse, it is likely to occur. I beg leave to record my conviction that if the Government leave matters as they are they are only maintaining a political agency, with above half a regiment of infantry, with police, for the sole use and profit of one individual, and illustrating the fact that the well-being of a province does not necessarily comprehend the well-being of *all* its members. Necessity has no law, it is absolutely necessary that the wretched system of misrule which exists should be speedily dealt with, *immedicabile vulnus recidendum est cultro*. As far as I am concerned, the Cherra court is of no use to me. I have only to incur the displeasure of one individual, and not a mukhtiar will plead my cause, or a witness give testimony in my behalf, if I paid them Rs. 1,000 for so doing. In fact, the Cherra authorities overshot the mark, the court has lost the confidence of the entire public, consequently the administration of justice has become a nullity, a bye-word, and reproach. Until this curse be rooted out there can be no solid prosperity, a few gleams of hope there may occasionally be, for who can help hoping for the future of a tract so richly endowed by nature, but solid prosperity there can be none till a man feels his life and property is safe on Khasia ground. Another point to which I beg leave to draw your attention is the rendering the Second in command of the Sylhet Light Infantry, Magistrate of Cherra. The individual in question may be an excellent regimental officer, but he may want all the qualities necessary for the administration of justice. In my opinion, you may as well take a good civil Magistrate and put him into a regiment as Second in command, as *vice versa*. The man required is one who has an opinion of his own, who is well acquainted with the difference between right and wrong, and whose ideas are brought under such proper regulation that he is on all occasions anxious to do what he thinks ought to be done; this is the kind of persons from whom we are to expect the faithful discharge of every species of duty.

10. Supposing the company with whom I am connected take contracts with either of the great Ocean Steam Companies for the supply of coal, and the Cherra authorities illegally seize the coal or intimidate the workmen so as to stop the working,—this has been done already, what guarantee have we that they will not do it again? Were they to do this (under the above supposition), what to the contractors would most likely be the inevitable consequence? The

mails are stopped; the Government comes down on the Steam Company, they on the contractors, and the loss of Rs. 2,00,000 would be the result; as the companies in question would take no less security than this. In a Political Agency, with no appeal except to Calcutta, the only guarantee possessed by individuals residing in their jurisdiction, that the authorities will not abuse their overgrown power, lies in this hope alone, that the humane feelings, honourable disposition, and just conscience of the possessors will withstand the temptation to err, and under every disadvantage act rightly. It may be said the Cherra authorities would be liable for any illegal acts to an action in Her Majesty's Supreme Court. This may be so, but before going to this expense it would be as well to be certain that the authorities had the money sued for in case of a verdict against them, otherwise one should derive no benefit to say nothing of the whole expenses of such a suit. Besides, it would be extremely difficult to get any witnesses out of the Cherra territory under the present *regime*, as it is probable the whole power of the court would be exerted to prevent it, or the witnesses may be arrested on other charges, as in the case of Jones, so as to prevent their being made use of. A state of the law which permit matters being transacted in this way is not easily squared with our common notions of even-handed justice, to which Englishmen are extremely sensitive, and causes a chronic soreness which it is always well to remove. In an undertaking with which the interest of the Government is so greatly mixed up as coal mining, they ought to show a zealous and scrupulous anxiety to give the parties embarking their capital fair play. However, to return to my subject, all this has to be considered and weighed well by the merchant or miner before he stakes lakhs of rupees on the issue, gathering useful lessons from past experience. We may say, however, there is no misrule, no adversity, no disappointment in life that does not leave behind it some serious and useful moral; and, although one vessel founders and sinks yet its masts often stand in the shoal water as beacons to warn others of its fate. The first thing a merchant looks for is security for life and property, and this, according to the accounts and examples of those who have gone before, the present Cherra jurisdiction does not afford. It is a fact beyond dispute that Messrs. Gibson and Cattell were obliged to fly to avoid getting into the hands of the Cherra authorities. Mr. Duncan fled before. I know

beyond dispute they were ruined; they state they fled for their lives; Mr. Jones is said to have done the same, and to have died afterwards of a broken heart. If Mr. Jones' conduct was such as to justify a departure from ordinary rules, at least the principles of substantial equity and right should have been adhered to in the manner and spirit of the proceedings; but the violators of the forms of justice still more atrociously trampled upon its spirit, as he was judged by people composed of his bitterest enemies, whose escape from the consequences of their own delinquencies absolutely depended upon his extinction. Four respectable Englishmen have been obliged to fly from the Cherra jurisdiction to save their lives. All that a man has will he give in exchange for his life, and little will broad domains or lucrative returns avail him if his steps are clogged by false accusations, and his thoughts disturbed by the reasonable apprehension of a sudden and violent death. These matters were so well-known in Calcutta that it was with extreme difficulty the proprietors of the coal mines could get any European to undertake their management; it was only after an interval of several months they succeeded. The facts I have mentioned are notorious in this neighbourhood, and must be well known to the Government servants in Sylhet, whether Civil or Military, and if the Political Agent is not cognizant of them, all I can say is that he must be like Lenthall, the speaker of the long Parliament, and "have neither eyes to see nor ears to hear". Be it as it is, the whole population believe the Cherra court to be a partial one, it has entirely lost their confidence, which has destroyed its usefulness as a court of justice. Let us see what the slightest suspicion of unfairness costs a court in England. About four years since the Palace Court in Westminster was suppressed for making an unjust decision respecting the sale of a house. The aggrieved party exposed the transaction in the columns of the *Times*, which led to the immediate suppression of the court. About the same time Mr. Lang, one of the London Police Magistrates, at Hatton Garden was removed from his office for merely telling a female witness in his court that "he would not believe her if she swore her eyes out." Mr. Ramshaye, the Judge of the Liverpool County Court, was removed from his office by Lord Carlisle, Chancellor of the Duchy of Lancaster, for mere infirmity of temper.

Slight grounds such as these are supposed to incapacitate a man

for the bench in our own country; right and wrong, I apprehend is the same in India as in England. In Calcutta, some years since, Mr. O'Hanlon was removed from the bench because he, in his private capacity, made some unjust assertions on a gentleman's character. If the history of the doings in the Cherra hills were succinctly printed in a pamphlet, transmitted to London, and given publicity to by the English press, —a press the first in the world for the extent of its information, for the completeness of its facts, for the largeness of its views, for the science of its details, above all for its magnificent independence, —I beg leave to say if these details and the documents on which they are based were in the hands of parties in London opposed to the interests of the Indian Government, and made public through the above medium, at the present juncture, it would no doubt do the East India Company harm; but from the extraordinary nature of the details they would need modification, as they would appear to the bulk of mankind too incredible to be believed. "Truth is strange," according to Burke, "stranger than fiction"; those who desire the illustration of the apothegm need only to have lived at Cherra the last five years.

Thus, Sir, with an openness and candour which I hope will ever characterize and mark my conduct, have I complied with the request contained in your circular to the Collector of Sylhet, desiring him "intimate to European indigo-planters and traders of your district the probable time of my arrival and inform them I shall be happy to receive from them verbally or in writing any complaints which they may have to make on points connected with the criminal, civil, and fiscal administration or any suggestions which it may seem to them expedient to offer for my assistance and consideration regarding the state and course of trade generally, improving the easy transport of commodities especially such as are of extensive demand in commerce." I beg leave to state that I have given all the information in my possession concerning the criminal statistics of the district asked for by you in the first part of your letter. Make life and property secure, I shall then have much pleasure in giving all the information asked for in the latter part of the document referred to; without the former, the latter is of no use. The nuisance complained of is intolerable, and I do hope you will use your best endeavours to put a stop to the iron rule to which all in

the territory in question have so long been forced to submit. It has been my purpose not to reproach; not to revile; not to menace; but strong in hope and faith, to encourage enquiries such as you are deputed to make; as far as in me lies, to assist the endeavours of the Government of this country, whose advances in the right direction I shall ever feel more pleasure in setting forth and illustrating than in commenting on its falling short. It is in no factious, in no querulous spirit that I have set about my present task. The only way to consecrate authority is to administer it righteously, wisely and kindly, and with that unction, it is sure to be loved and revered, to pass from the Governor-General to his subordinates,—from father to son with expanding influence and improving vitality. I have now in furnishing these details done, as becomes every Briton, my duty to God, my country, and myself. Let the Government of India do theirs.



APPENDIX E

Dated Cherra Poonjee, the 30th August 1853

From—A.J.M. MILLS. Esq., Officiating Judge, Sudder Court.

To—The Assistant to the Political Agent.

I have the honour to request that you will afford to me such explanation as you may have to offer on certain points connected with your proceedings in the case of Golucknath and Sheebchurn, complainants, against Messrs. Duncan, Gibson, and others which will be found below.

It appears that Rajkissore, muktiair of Mr. H. Inglis, presented to you a petition on the 12th November 1851, accompanied by a letter from the complainants to their master. It is alleged in this letter that they were sent by their master, Mr. H. Inglis, to act on his behalf in the local investigation which Mr. Larkins was deputed to conduct in regard to the boundary between Sylhet and the Jaintia Hills; that they arrived at Choon Cherra on the evening of Friday the 7th; that they were proceeding to speak to Mr. Larkins, who was standing on the hill, a short distance off in company with Messrs. Gibson, Duncan, and Cattell; that on seeing them the above-named gentlemen in the presence of and with the complicity of Mr. Larkins and accompanied by about 100 or 150 armed followers ran towards them; that the complainants fled across the river in a dinghy; that the rioters followed them; that Messrs. Cattell and Gibson seized Golucknath, shoved him into the water, and repeatedly attempted to drown him; that Mr. Cattell flung Sheebchurn into the water, and with others brutally maltreated and attempted to drown him; that the rioters plundered their effects, and, lastly that Mr. Larkins unjustly made them defendants, refused to take down their defence, and directed the darogah to falsify their replies. On this you desired the Magistrate of Sylhet to send the complainants to your court, he replied that they were under trial before him, and nothing further was done by you in the matter until the 5th January 1853, when on the petition of the complainants you revived the case, took the depositions of the

complainants, and upon the faith of their statements and of the evidence adduced by them you convicted one Kissen Churn, a muktia of Messrs. Duncan and Gibson, and sentenced him to three months' imprisonment with *hard labour*, and issued warrants, and took other steps for the arrest of Mr. Gibson, Mr. Duncan, Mr. Cattell, and two other natives. In the meantime, the Magistrate of Sylhet had arraigned the defendants (the complainants before you) on the charge preferred against them by Mr. Cattell, who swore that he got into a dinghy with Sooklall Singh to see who was in the boat in the stream, when two men jumped off their boat, swam to his boat, pushed Sooklall Singh overboard, caught hold of the side of the boat, upset it, and immersed him in the water, but with what intent he could not say. This statement was supported by the evidence of Messrs. Gibson and Duncan, and of other witnesses, as also by the official report of Mr. Larkins. Mr. Larkins stated that, on hearing the disturbance, he ran down the hill, jumped into a boat and pushed off to the scene of the riots, where he found a boat upset, and heard a noise as from persons struggling in the water; he pulled the complainant Golucknath, who was in a state of nudity, out of the water, and found Sooklall Singh and Mr. Cattell dripping wet. Mr. Duncan stated on oath, "I observed some of his people calling on those in the boat to come up before the Magistrate. Immediately two of Mr. Inglis' men jumped off their boat into the river, one of them struck out swimming directly across the river, the other swam around the corner into the small Choon Cherra. I saw our chaprasi, Sooklall, get into a boat, when they reached the middle of the river the boat was upset." Mr. Gibson stated on oath, "Mr. Larkins went up to a hill about 30 yards from the ghat to speak to his darogah, who was there. I followed behind, and perhaps two minutes afterwards I heard a noise below, and saw some people struggling in the water in the Jeang river about the centre. I then called on Mr. Larkins to interfere and keep the peace."

Mr. Larkins then and there held a summary enquiry into the matter and recorded his opinion "that there had been a brutal unprovoked assault committed by Mr. Inglis' people, and that Messrs. Duncan, Gibson and Cattell, and also all their people, were perfectly guiltless."

In their defence before the Magistrate of Sylhet, the defendants pleaded that Messrs. Duncan, Gibson, and Cattell after consulting in English with the Assistant Magistrate, aided by 100 or 150 persons, attacked their boat, stripped them, attempted to drown them, and otherwise ill-used them, but they named no witnesses, and on being questioned by the Assistant Magistrate, stated that they knew the faces of their witnesses only, and would point them out to the darogah. At length, they named four witnesses, who deposed in some measure to the truth of their defence.

The Magistrate, crediting the statement of Mr. Cattell and the evidence adduced in support of it, and disbelieving the defence, found the prisoners guilty of pushing Sooklall Singh overboard, and upsetting the boat, and sentenced them to pay a fine of Rs. 50 each, and on failure of payment of two months' simple imprisonment.

The defendants appealed to the Sessions Judge, reiterating the pleas set forth in their defence, and accusing the Assistant Magistrate of complicity. The Sessions Judge recorded his reasons at some length for disbelieving the defence, and upheld the conviction. The defendants then made a special appeal to the Nizamut Adawlut, who called on the Sessions Judge to state what precise charge he convicted the prisoners of. He replied that he convicted the prisoners of wilfully assaulting Mr. Cattell, by upsetting the boat and throwing him into the water. The court set aside the conviction on the technical ground (without calling for the papers) that this finding of the Sessions Judge was not deducible from the terms of his former finding, as stated in the *roobocari* of conviction.

The above is the precis of the facts of the case, and the first point calling for explanation is under what circumstances you considered yourself justified in reviving the case, the charges which it involved having been thoroughly enquired into, and thrown out as unworthy of belief by a competent court. The other points are as follow:

Secondly—How it happened that you passed judgment in the

case without taking into consideration the proceedings of the Magistrate and the Sessions Judge, and the official report of Mr. Assistant Magistrate Larkins.

Thirdly— As Mr. Larkins was charged with complicity in the riot, why did you not call on him to answer for his misdeeds.

Fourthly— If you believed Mr. Larkins was falsely accused by the complainant, why did you not take his evidence, especially as he was named by the defendant Kissen Churn as a person who witnessed the whole transaction.

Fifthly. — Under what law did you act when you attached the personal property of Mr. Gibson, a European British subject, for disobeying your summons.

Sixthly. — How came you to seize 5,000 maunds of coal as the property of Mr. Gibson, when it was known to you that Mr. Gibson was only the Agent of the Coal Company, having previous to the dispute occurring deposited in your office a power-of-attorney from his employers, showing that he was only an Agent in coal matters here.

With your reply I request you will forward a copy, together with a translation, of your judgment in the case.

Dated Cherra Poonjee, the 31st August 1853.

From—Lieutenant G.N. CAVE, Assistant to the Political Agent in the Khasi Hills.

To—The Offg. Judge, Sudder Court, on deputation.

I have the honour to acknowledge the receipt of your letter dated 30th August 1853, containing a précis of the cases between Messrs. Duncan, Gibson, and others, and Golucknath and Sheeb-

churn, in both the Sylhet and Cherra courts, concerning which you require my explanation on six different points.

1 In reply to the query why I considered myself justified in reviving the case after it had been gone into, and disposed of in the Sylhet courts, I beg to state that it was with extreme reluctance I entertained the case in the first instance, but the complainants Golucknath and Sheebchurn showing that they had been seized by defendants on the north bank of the Choon Cherra, that is within the jurisdiction of this court, I did not see how I could refuse them the opportunity of obtaining the redress they prayed for.

2. With regard to my passing sentence without considering the proceedings of the Sylhet officers. I would state that the defendant sentenced by me was not concerned in the Sylhet case. Moreover, I quite understood that the setting aside by the Sudder Court of the conviction of the Sessions Judge was tantamount to an acquittal that is, not proved. Under this impression, therefore, I did not see the necessity of considering those proceedings. I did, however, make application for the case which was refused me, but it was my intention to have submitted the whole of the proceedings to the Sudder Court, on obtaining the answers of defendants to the charges laid against them. I would merely remark, with all respect to the experienced officers who conducted the Sylhet case, that I do not coincide with their finding. That two Bengalis, one a weak and emaciated creature, should attempt to assault three Europeans (two of whom possessed more than ordinary muscular power) in presence of the Assistant Magistrate is scarcely credible.

3. With respect to the asserted complicity of Mr. Larkins, I must beg to say that I see no reason why I should call for explanation from him. The complicity would seem to exist in his holding conversation with Messrs. Duncan, Gibson, and Cattell, and also in the manner of his summary investigation. He remained the whole time within what was then considered his own district, and therefore I considered he was beyond any interference on my part.

4. Without expressing any opinion as to whether Mr. Larkins was falsely accused or not, I must acknowledge that, as defendant Kissen Churn stated he (Mr. Larkins) witnessed the whole transaction, it would have been as well if I had required his evidence. The prisoner to the best of my recollection did not press the matter, and cited three other native witnesses. The only reason I can give for not calling upon Mr. Larkins, was a diffidence under such circumstances in calling on a person holding his office. I have seen a letter of Mr. Larkins, in which he states that he could not see anything, but whether before or after the sentence of Kissen Churn I do not remember.

5. Respecting the 5th query, as to under what law I attached Mr. Gibson's personal property, I must state that, as it has been the custom of this office to treat European British subjects as other people, I was guided by the general Regulation respecting non-attendance on summons, viz., Regulation XX of 1817.

6. In reply to the question why I seized 5,000 maunds of coal as the property of Mr. Gibson, he being merely the Agent of the Coal Company, I beg to state that it was shown by complainants that Mr. Gibson had stated he was a shareholder in the Company, and I can call to mind more than one conversation between Mr. Gibson and myself in which he stated the same fact. Under these circumstances, I considered myself justified in adopting the measure to secure the defendant's attendance.

The coal was released from attachment immediately on the present Agent filing a written certificate to the effect that Mr. Gibson had no personal interest in the same.

*Appendix F.

I forward herewith, according to your desire, a copy of my judgment,* with its translation.



Dated Cherra Poonjee, the 1st September 1853.

From—A. J. M. MILLS, Esq., Offg. Judge, Sudder Court, on deputation.

To—The Assistant to the Political Agent.

I have to acknowledge the receipt of your letter of the 31st ultimo, submitting explanation on the points noted in my letter of the 30th, and to request that you will forward to me a copy of the document in which it was shown by complainants that Mr. Gibson was a shareholder in the Company.

2. I beg to correct an error in your 2nd paragraph, which you have fallen into, wherein you state that it is scarcely credible that two Bengalis should attempt to assault three Europeans in the presence of the Assistant Magistrate. Such was not even the charge made by Mr. Cattell; he stated that he and a chaprasi were in a boat, and that the defendants swam to their boat, pushed Sooklall overboard, and wilfully upset the boat. Mr. Gibson was standing with Mr. Larkins up the hills, Mr. Duncan was standing some short distance off, neither of them stated that the defendant attempted to assault them, and Mr. Larkins affirms that the darkness and mist at the time were such that it was impossible for any one to have seen what took place, unless they were close to the place.

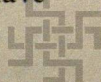
Dated Cherra Poonjee, the 2nd September 1853.

From—Lieutenant G. N. CAVE, Assistant to the Political Agent in the Khasi Hills.

To—The Offg. Judge, Sudder Court, on deputation.

I have the honour to acknowledge the receipt of your letter dated 1st September 1853, and in reply to your requisition for copy of document in which it was shown by complainants that Mr. Gibson was a shareholder in the Coal Company, I beg to state that no document was put in; the complainants verbally stated that it was notorious Mr. Gibson had asserted the fact, and, as I have before mentioned, I was aware of it myself.

Colonel Lister can also confirm this fact.



2. I acknowledge, with reference to paragraph 2 of your letter, that my expression assault on three Europeans is incorrect according to the charge made by Mr. Cattell, but I would submit that it is correct in fact. From the character of the locality the parties must necessarily have been within a stonethrow of each other, and any attempt by the natives on one of the Europeans would instantly bring the others to the rescue. In plain words, then, I would maintain that it is incredible to suppose that well-informed natives proceeding as special muktiars to the Assistant Magistrate's inquiry should attempt any violence on his immediate proximity, being well aware that he was on the spot. I would also maintain that the nature of the attempt stated is incredible, as that would suppose that swimmers could successfully contend with those in a boat; the numbers being equal.



APPENDIX F

*Translation of judgment in case of Golucknath and Sheebchurn versus
R. B. Gibson and others.*

It was proved at the hearing of the case by the evidence adduced by plaintiffs that Gibson and other defendants assaulted plaintiffs in the manner set forth in the plaint.

Kissen Churn Dhur, defendant, now present, is proved to be implicated, and although defendant states that he did not join in the attack on plaintiffs, and produces two witnesses to that effect, yet the statement is not worthy of credit, for defendant shows in his answer that he, being Mr. Gibson's servant, was with his master when the assault was made. It is evident that his statement that he did not join in the assault is merely to evade the charge made against him. For this reason it is considered proved that Kissen Churn, defendant, joined with Gibson and others in the assault upon plaintiffs.

It is therefore ordered that Kissen Churn, defendant, for this crime shall undergo three months' imprisonment with labour, and a *parwana* to this effect is to be issued to jail jemadar. The case is to be in abeyance pending the arrival of remaining defendants.



APPENDIX G

Cherra Poonjee, 29th August 1853.

My Dear Sir,

In accordance with your kind request I now have the pleasure of jotting down for your information a few statistics regarding our trying labours among these superstitious denizens of the hills.

We have both a commodious and conveniently-located school at each of the three villages of Cherra, Maosmai, and Maomlu. But I am sorry to say that they are almost empty owing to the lamentable indifference of the population to all educational efforts. They have each faithful teachers, the salary of each of whom is Rs. 5 per month. But in each of the three schools the number of the scholars is not more than 4 or 5.

We have also two schools, which are very promising, in the valleys to the west. One in the large village of Shella. The average number of scholars is about 50. In this village also we have 10 *hopeful* candidates for baptism, and many earnest inquirers.

The other is at another large village called Nongewar, which has been commenced only about a fortnight ago. The number attending this school is not ascertained correctly as yet, but we infer from the earnestness and energy of the villagers, that the school must be full.

This very gratifying disposition of the people was manifested by the cheerfulness with which they put up the school at their *own expense*, and by their frequent journeys here to me, for the purpose of earnestly applying for a teacher.

In another neighbouring village, called Nongkroh, we have *two* aged converts, man and wife, and one middle-aged man, with whom also are associated in their regular assemblings for Christian worship about eight hopeful inquirers. In this village no school is erected as yet, but teaching in the vernacular is going on in private huts.

In Nongbah, another neighbouring village, a majority of the villagers are aroused up likewise to the exercise of favourable dispositions, influenced in a great measure, no doubt, by the above examples contiguous to them. Some of the headmen of this village have already been to me, pleading their causes, consequently there will be another opening in this village ere long. Something in this way is gradually going on in the valleys to the west of this in other villages also.

And now with respect to our mission station here, which is called Nongsawlia. The boys' school numbers 30 and the girls' school 15 during the year, 22 of these are supported by the mission. We have also a little church gathered here numbering about 24 converts, which assembles for mutual edification in Christian experience every Wednesday. We have two very promising Khasia native preachers, brought up and educated by us. We have two services on the Sabbath here, the congregation numbering on the average from 80 to 100. In the evening also services are held at Cherra and Maosmai schools.

I regret to say that there is no regard paid to education in this country; we have tried to induce them by giving them prizes, etc., but nothing seems to avail. In the village on the hill here contiguous to this, there is a great number of grown-up men and women learning to read here and there, who are taught by our people from the school, who visit them early in the mornings and late at night in their huts, much being done in this way towards creating a reading population. You will perceive from this, that the valley people are much more promising than those on the hills. The chiefs give us no help, nor do they give any good example to the people, by sending their own children, nephews, and others, to be educated. Not one of the chiefs are able to read themselves, and the Cherra Chief is a great opponent to education; both he and his headmen are always speaking to the people of the *unprofitableness* of education. They rejoice in being able to decoy any one away from our station, and will even go out of their way and subject themselves to considerable trouble, to induce the villagers to cease attending our schools, and where they can they will resort to violence.

Perhaps, Sir, you in your official capacity will be seeing some of them, and if you could by some means bring education to their notice, and urge upon them to send those connected with them, I should feel truly grateful to you. Or could you happily by some *regulation* encourage educational efforts in this country literally perishing for the lack of knowledge. I should most sincerely rejoice, not to speak besides of the deep gratification your own mind would experience, in witnessing the felicitous results of the same in all future time.

I would here in connection with this matter humbly and respectfully suggest to you, with regard to this country, the substance of the following extract with regard to Muttra in the Upper Provinces, which I have only recently met with, viz., "On account of a Government order that all ranks of the public service shall learn to read, and that no new policemen are to be engaged but such as can read the Hindi, the desire for books is at present very great throughout the community."

A great number of interesting facts are connected with the above statistics, but I fear that my communication to you already will be deemed by you too tedious.

I remain, &c.,
WILLIAM LEWIS.



APPENDIX H

Statement of Increase and Decrease of Establishment in the Khasi Hills.

<i>As the Establishment stood on 1st May 1848.</i>				<i>As the Establishment stood on 30th April 1852.</i>			
	Rs.	a.	p.		Rs.	a.	p.
Political Agent	400	0	0	Political Agent	400	0	0
Assistant to Political Agent	400	0	0	Assistant to Political Agent	150	0	0
European medical officer	24	4	0	European medical officer	100	0	0
<i>English Office and Native Establishment.</i>				<i>English Office and Native Establishment.</i>			
Clerk	80	0	0	Clerk	80	0	0
Sherishtadar and treasurer	50	0	0	Sherishtadar and treasurer	50	0	0
Mohafiz	20	0	0	Mohafiz	20	0	0
2 Mohurirs at Rs. 15 each	30	0	0	2 Mohurirs at Rs. 15 each	30	0	0
Duftry	6	4	3	Duftry	6	4	3
4 Chaprasis at Rs. 6 each	24	0	0	4 Chaprasis at Rs. 6 each	24	0	0
<i>Jail.</i>				<i>Jail.</i>			
1 Jemadar	15	0	0	Jemadar	12	0	0
1 Ditto	12	0	0	1 Duffadar	8	0	0
3 Duffadars	22	0	0	2 Duffadars at Rs. 7 each	14	0	0
34 Burkundazes, 33 at Co's				25 Burkundazes at Rs. 5 each	125	0	0
Rs. 5, one at Sicca Rs. 5	170	3	7	2 Convict duffadars	2	0	0
2 Convict duffadars	2	0	0	2 Do. blacksmiths	2	0	0
2 Do. Blacksmiths	2	0	0	2 Do. carpenters	2	0	0
Native doctor	25	0	0	Native doctor	25	0	0
<i>Police.</i>				<i>Police.</i>			
Mohurir	12	0	0	Mohurir	12	0	0
5 Burkundazes, 1 at Sicca				5 Burkundazes at Rs. 6 each	30	0	0
Rs. 6, 4 at Company's							
Rs. 6 each	30	4	0				
Interpreter	7	4	11	Interpreter	7	4	11
Khasia Jemadar of police	26	2	0	Khasia Jemadar of police	26	2	0
16 Khasia sepoy's of police,				16 Khasia sepoy's of police,			
7 at Sicca Rs. 5, 7 at				7 at Sicca Rs. 5, 7 at Com-			
Company's Rs. 13	113	9	2	pany's Rs. 13	112	15	1
<i>Establishment at Myrong and Nungklow</i>				<i>Establishment at Myrong and Nungklow</i>			
Mohurir	8	0	0	Mohurir	8	0	0
Interpreter at Sicca Rs. 12	12	8	7	Interpreter	12	0	0

Khasia coolie sirdar	8	5	7	Khasia coolie sirdar	8	0	0
Sirdar in charge of stage-house	10	7	2	Sirdar in charge of stage-house	10	7	2
Raj mistree	8	0	0	Raj mistree	8	0	0
Khasia havildar of police	12	8	7	Khasia havildar of police	12	8	7
4 Sepoys of police at Company's Rs. 7	28	0	0	4 Khasia sepoy's of police at Company's Rs. 7 each	28	0	0

*Establishment in the Jaintia Hills.**Establishment in the Jaintia Hills.*

Superintendent for supplies and coolies	10	0	0	Superintendent for supplies and coolies	10	0	0
Interpreter	10	0	0	Interpreter	10	0	0
4 Dak hurkaras at Rs. 6	24	0	0	4 Dak hurkaras at Rs. 6 each	24	0	0
Superintendent of roads and interpreter at Cherra	8	0	0	Superintendent of roads at Cherra and interpreter	8	0	0
Superintendent of roads, lower hills	10	0	0	Superintendent of roads, lower hills	10	0	0
Lower guard interpreter	6	0	0	Lower guard interpreter	6	0	0
Total Company's	1,629	14	1	Total Company's	1,393	10	0

Increase and Decrease.

INCREASE.				DECREASE.			
	Rs.	a.	p.		Rs.	a.	p.
Increase in the salary of the European medical officer	75	12	0	Reduction in the salary of the Assistant to Political Agent	250	0	0
Total increase	75	12	0	1 Jail jemadar	15	0	0
				9 Jail burkundazes, each Co.'s Rs. 5	45	0	0
				Batta	2	0	1
				Total Decrease Co.'s	312	0	1

JUDICIAL AGENT'S OFFICE;
KHASHI HILLS,
The 1st July 1853.

F.G. LISTER, Lt.-Col.,
Political Agent.



OFFICIAL CHARACTER OF OFFICERS.

Colonel Lister, Political Agent. —When the massacre at Nung-klow took place, Colonel Lister was in command of the Sylhet Light Infantry, and in the protracted contest with the Khasias which followed he took a conspicuous part, and displayed great perseverance and courage. His name struck terror to the hearts of the Khasias.

He has not, I think, been sufficiently impressed with the importance of developing the capabilities of the Khasi and Jaintia Hills, and of enquiring into the circumstances and state of administration in each village, especially in Jaintia, which is under our sole control, and in the dispensation of justice his courts have not given satisfaction; but his political authority he has wielded with discreteness and care, and has maintained the tranquillity and peace of the country in a remarkable manner.

Lieutenant Cave, Assistant to the Political Agent. —I have spoken at length of the official character of this officer in my report on the district. He is a well-intentioned zealous officer, and, under a superior well acquainted with the rules and practice of the courts, would do well; but at present he wants experience. It would be to his own advantage, I think, to remove him to a less responsible office.

Dr. Fletcher. —This officer has acquired the highest character for himself for his professional skill and devoted attention to his duties.

CALCUTTA,
The 27th September 1853.

A. J. M. MILLS,
Officiating Judge.

Minute by the Most Hon'ble the Governor of Bengal, dated 16th November 1853.

The report by Mr. Mills upon the Agency of the Khasi Hills unhappily confirms the correctness of the belief which was entertained of the necessity for enquiring in that quarter, and of a

closer superintendence than has hitherto been given by the Government of Bengal.

2. The report is satisfactory in regard to the tranquillity of the tribes in the Khasi and Jaintia Hills, and in respect to their improved and improving condition. But revenue there is none; there is no law, and as little justice.

3. It is quite necessary that a remedy should be applied to this state of things as soon as possible.

The circumstances which are described in the report render it difficult to find a full remedy. The peculiarity of Mr. Inglis' position leaves little probability of a thorough reform being effected, so long as his father-in-law, Lieutenant-Colonel Lister, retains his position as Political Agent, while the acquittal which Mr. Mills accords to that officer of all criminality, and his recognized services, political and military, would hardly admit of his being removed from the Agency, especially as he will necessarily vacate it during the next two years by reason of his promotion in the army.

4. Still the evil may be, in some degree, corrected, both by giving public evidence of dissatisfaction of the Government, and by limiting the powers whose existence affords scope to the present objectionable practices.

5. The proper arrangements, I think, will be to place the affairs of the Khasi and Jaintia Hills in the hands of the Commissioner of Assam, in the same manner as has already been done with the Garo Hills on the one side, and Northern Cachar on the other. The jurisdiction of the Commissioner would then extend from our northern frontier to the limit of the regulation provinces. I am not aware of any objections that could be made to this plan.

6. For the present, and till the promotion of Colonel Lister admits of its being carried into full effect, I think that measures should be taken for improving the present Agency by changing the Assistant and by limiting the powers of the Agent.

Mr. Mills' report shows, I think, a very unsatisfactory discharge of his duties by Lieutenant Cave, the Assistant. I think he should be removed from civil office, and that some other officer of the corps should be appointed Assistant if any one among them is qualified.

The powers of the Agent should, I think, be limited to small cases. All heinous cases and all appeals should go to the zillah judge at Sylhet. I believe this change can be effected under the present regulations.

7. Before, however, this opinion is acted upon, extracts of Mr. Mills' report should be sent to Lieutenant-Colonel Lister and Lieutenant Cave, respectively, in order that they may have an opportunity of making any remarks which they may desire to offer upon those portions of the report which refer to them.

8. With respect to the revenue of these hills, I am neither desirous of extracting much, nor sanguine of getting any. There does not appear any good reason, however, why Cachar should pay revenue and Jaintia none. I think therefore that the Agent should be directed to proceed during the present cold season into the Jaintia Hills, and to prepare a full report, as suggested in the note by the Secretary, on revenue, civil and criminal justice, and all other matters connected with the administration of that district.

The 16th November 1853.

DALHOUSIE.

Dated Fort William, the 24th November 1853.

RESOLUTION

Read a report from A.J.M. Mills, Esq., dated the 27th September 1853, with enclosures, on the Khasi and Jaintia Hills under the administration of the Political Agent.

The most Noble the Governor of Bengal having taken the above report into consideration, and having recorded a minute thereon, dated the 16th instant, is pleased to resolve as follows.

2. A copy of paragraph 4 will be sent to the Board of Revenue with a request that the proceeding connected with the transfer of land in the plains of Sylhet to the chief of Cherra in exchange for the village of Cherra Poonjee may be expedited and brought to a conclusion.

Transfer of land in exchange
for the station of Cherra
Poonjee.

3. Paragraph 9 and that portion of Lieutenant-Colonel Lister's letter No. 57, dated 1st July 1853, relating to the mineral productions of the Khasi Hills, will be taken into consideration in connection with Professor Oldham's report on the Lakadong coal mines, and the one he has promised on those of Cherra.

Minerals.

4. The statements given in the 9th and five following paragraphs, as to the improvement in the condition of the inhabitants of the Khasi Hills, the extension of cultivation, the development of mineral resources, the result of missionary education, the increase of traffic, and the cessation of all disturbances, both as among the chiefs themselves and as between them and the inhabitants of the plains, afford evidence of the advantages that have attended the arrangements of 1835, whereby the Khasi Hills were taken under the management of a British Agent, and a practical control exercised in a greater or less degree over the several chiefs who were at that time either subdued or gave in their adhesion to the British Government.

Condition of the people.

5. The 15th and two following paragraphs show that in the case of Cherra, and in that of the four other States noted in the margin, with whom no treaty was made, the criminal and civil jurisdiction left in the hands of the chiefs has been in practice limited to cases in which all the parties are subjects of the chiefs exercising it, and that in all the other States, nineteen in number, the chiefs have been further invariably required to make over all heinous cases to the Agent for trial.

Agent's jurisdiction.

Khyrem
Lingree
Nustung
Nispong

6. In the Khasia villages of Cherra, Maosmai, Sohbar, and Mamlu, in which the Agent exercises sole jurisdiction, and in the whole of the Jaintia territory, it seems to be the practice for the sirdar or headman of each village or circle of villages to investigate and decide petty cases subject to an appeal to the Agent; but as regards the Khasia villages at least no such appeals are ever preferred. It is to be inferred that all cases not coming under the denomination of "petty" are taken up and decided by the Agent or his Assistant, but the information on this point is not precise.

7. The judicial forms observed both in the Jaintia and the Khasi Hills, that is to say, it may be presumed in the purely native tribunals, appear to be of a barbarous character, are said to be accompanied with "cruel ordeals". Those in the Jaintia courts are reported by the Revd. Mr. Lewis, a missionary, to be tedious and expensive, and to be bitterly complained of.

8. Nothing can be more indefinite than the instructions that were given to Lieutenant-Colonel Lister when the agency was first formed, and no steps seem to have been since taken to give them precision. He was empowered to fine to the extent of Rs. 500, and to imprison for two years, on proceedings held before him as Magistrate, and with the assistance of the punchayet, to imprison for five years. All cases of a heinous nature he was directed to send to the Sudder Court. He was further told as a general rule to consider those villages under his jurisdiction "which have become ours by right of conquest, but that in those villages which have all along retained their independence or have been restored by us to their former chiefs" he was desired only to exercise political control. In cases of a civil nature the Sudder Court was empowered, on an inspection of the Agent's periodical returns or on a petition being presented to it, to call for and revise his proceedings.

9. By Act No. VI of 1835 the Agent in political charge of the Khasi Hills was placed in civil and criminal cases under the control and superintendence of the Sudder Court, and it was declared that such control and superintendence was to be exercised in conformity with the instructions of Government, but no further instructions seem ever to have been given. The orders under which the whole

territory of Jaintia was placed under the Political Agent of the Khasi Hills are dated the 30th March 1835, and issued from the Foreign Department. The plain country was afterwards transferred to Cachar, and ultimately annexed to Sylhet, where it now remains. But the hills have continued under the administration of the Political Agent, and the Sudder Court have exercised control over his proceedings therein by virtue of a *special* law passed, in reference to another country, before Jaintia was annexed. It would therefore certainly appear that in this portion of the Jaintia territory justice, such as it is, is administered under very doubtful authority.

10. Mr. Mills also doubts whether Act No. XI of 1836, whereby the jurisdiction of certain civil courts was extended over all persons without reference to descent, is in force in the Khasi and Jaintia Hills, and points out the inconvenience attending the existence of such doubts in respect to a locality whither numerous Europeans resort, not only as a sanitarium but in prosecution of various kinds of enterprise.

11. Under the circumstances briefly sketched in the six foregoing paragraphs, Mr. Mills recommends "the enactment of a complete set of rules and procedure suited to the usages and institutions of the country," and for the furtherance of this end he suggests "that a careful enquiry be made into the customs, habits, and institutions of the Jaintia territory."

12. It is for the obvious advantage, not only of those over whom the British authorities exercise direct jurisdiction, but also of the several chiefs to whom a kind of qualified independence has been either expressly or tacitly reserved, that the paramount and direct authority of the British Government over the whole assemblage of these petty chieftainships as well as over the remainder of the territory comprised within the agency, should be asserted and proclaimed in legal form. It is with a view therefore not to extend the interference of the British authorities in the affairs of these semi-independent chieftainships or to alter the kind or degree of subjection in which they are now placed, but rather to legalize the power which has been heretofore exercised therein by the Agent

invariably and without question, and at the same time to place the authority of the Agent in regard to the rest of the territory under his charge on a clear and intelligible footing that His Lordship proceeds to issue the following directions.

13. A copy of the 15th and fifteen following paragraphs of Mr. Mills' report will be sent to the Agent with instructions either to proceed himself or to direct his Assistant to proceed during the ensuing cold season into the Jaintia Hills, and after ascertaining with precision the forms of justice now in use, the objections felt to them, and the extent of authority or influence possessed by the sirdars or dullais, he will draw up and submit for the approval of the Government a simple code of rules of civil and criminal procedure adapted to the circumstances of the whole territory, and more particularly calculated to secure the due administration of justice among a barbarous people.

14. The rules should be framed generally upon the model of those recently published in draft for Arracan and Tenasserim, modified only so far as to suit the less civilized condition of the Khasi and Jaintia tribes and the peculiar position in which the Government is placed in regard to some of the chiefs.

15. To each of the five principal chiefs mentioned in the 16th paragraph of Mr. Mills' report, His Lordship would leave, conformably to the terms of the agreement made with the Chief of Cherra and to subsequent invariable and unquestioned practice, the trial of all cases, civil and criminal, in which his own subjects alone are concerned.

16. The position of the other nineteen chiefs may also remain the same as it is at present, but it must be clearly defined in the rules.

17. In the four Khasia villages administered by the Agent, and in the whole of the Jaintia Hills, it may be advisable that the sirdars or dullais should still continue under certain checks to exercise jurisdiction in petty cases; but the people should be encouraged to resort to the Agent for redress, either against private individuals or against the constituted village authorities in order that the power of

the British Government may be practically felt and acknowledged, and the abuses and unlawful practices alluded to by Mr. Lewis effectually put down.

18. A copy of the foregoing thirteen paragraphs and of the portions of Mr. Mills' report to which they refer will be sent to the Sudder Court for information.

19. It is not the intention of the Governor on the present occasion to demand from any of the semi-independent Khasia chiefs any additional payment either by way of revenue or tribute, although the expense incurred in protecting them from mutual aggressions and securing to them the advantages of peace and good government might well justify such a measure; but His Lordship sees no necessity for remitting the payments which, imposed under the name of fine for specific offences, have become a part of the fixed and regular income of the territory. In regard to the Khasia villages, exclusively British, and to the whole of the Jaintia Hills, it is clear that the Government is entitled to receive as revenue at least such portion of the produce as went into the hands of the former rulers, though levied in a more objectionable form than could now be permitted. That the country is capable of yielding revenue and contributing in some degree towards the expense of its Government may be fairly inferred from the fact that the neighbouring territory of North Cachar bears a considerable and increasing assessment, and that those portions of Jaintia which were for a time under the Collector of Sylhet and have recently been transferred to the Cherra jurisdiction have been leased on advantageous terms, and now yield an annual return. Moreover, it is well known that individuals who have embarked on mining, quarrying, and agricultural speculations in the hills have done so under the expectation of large profits, which in some instances at least have been realized.

20. Therefore, in communicating a copy of the 31st and nine following paragraphs of Mr. Mills' report to the Agent, he will be desired, during his tour in the present cold season into the Jaintia Hills, carefully to enquire into the resources of those hills and of the four Khasia villages above referred to, and to ascertain and report

whether it is practicable to obtain a revenue for the State at a reasonable cost of collection, and if so, by what means and in what form it may be most advisable to assess and collect it, whether in the shape of a land or house tax or in any other way.

21. At the same time the Agent, with reference to the 41st and 42nd paragraphs of Mr. Mills' report, should enquire into and report on the state of crime throughout the territory and suggest any practicable means (either through the village police or otherwise) of suppressing crime and bringing its occurrence to notice.

22. A copy of the 43rd to the 46th paragraphs of the report will be sent to the Agent, and his attention will be drawn to the remarks made by Mr. Mills with reference to the unnecessary detention of witnesses and to the disinclination of the Assistant to exercise his powers of summary jurisdiction. A copy of these paragraphs and of the instructions issued thereupon will also be sent to Sudder Court for information.

23. The 47th and fifteen following paragraphs relating to the complaints preferred against the Agent and his Assistant by Mr. Sweetland, and to the proceedings of Lieutenant Cave in regard to the disputes on the Choon Cherra between Mr. Inglis on one side and Messrs. Duncan and Gibson on the other, will be forwarded to the Political Agent, in order that he and Lieutenant Cave may have an opportunity of making any further remarks which they may desire to offer on the subject. On receiving the Agent's reply, His Lordship will consider what measures may be necessary for placing the civil administration of these hill tracts on a more satisfactory footing.

24. A copy of paragraph 64 of Mr. Mills' report will be sent to the Council of Education. His Lordship regards with great satisfaction the testimony borne to the earnest zeal of the Revd. Mr. Lewis and the encouraging, though as yet moderate, success which has attended his labours.

25. Instead of establishing a vernacular school, as Mr. Mills suggests, a measure of which, from the experience of Mr. Lewis, the success would seem to be more than doubtful, it appears to His Lordship that a more promising way of aiding the diffusion of knowledge among the inhabitants of the Jaintia and Khasi Hills will be to give assistance to the missionary either in the way of salaried teachers for secular instruction, or by defraying a part of the cost of translating and printing suitable books either in Bengali or in the spoken language of the hillmen, reduced to writing, as may be thought most likely to lead to success. The absence of religious prejudice, and almost of religion, among the Khasias and other hill tribes in that direction removes the objection that might be taken to the promotion of secular instruction by the Government in other parts of India through the means of missionary aid. But before taking any decided step involving a departure from the general line of policy observed by the British Government, His Lordship will consult the Government of India.

26. A copy of paragraph 65 will be sent to the Military Board for explanation, with reference to their report to Government, No. 10094, dated the 20th February 1852.

27. The state of the jail as described in paragraph 66 is satisfactory. His Lordship is pleased to sanction the alterations in prison dress recommended by the medical officer.

28. The Agent will be requested to report, with reference to the 67th paragraph of Mr. Mills' report, what reductions it is practicable to effect in the jail establishment.

29. The Military Board will be directed to take immediate measures for the repair of Mr. David Scott's monument, which will hereafter remain in charge of the Department of Public Works.

30. The Governor desires that his best thanks may be conveyed to Mr. Mills for the full and complete report he has furnished, and for the care with which he has conducted his enquiries.

C. BEADON,
Secy. to the Govt. of Bengal.

Ordered that a copy of the foregoing Resolution be forwarded to the Judicial and Revenue Departments for the issue of such orders as may be necessary from those departments.

No. 2176, dated Fort William, the 24th November 1853

From—W. GORDON YOUNG, Esq., Under-Secy. to the Govt. of Bengal.

To—A. J. M. MILLS, Esq., Civil Service.

I am directed by the Most Noble the Governor of Bengal to acknowledge the receipt of your letter of the 27th September last, with enclosures, submitting your inspection report on the Khasi and Jaintia Hills, and in reply to convey to you His Lordship's thanks for the full and complete report you have furnished, and for the care with which you have conducted your enquiries.

2. I am directed to forward, for your information, the accompanying copy of a resolution recorded by His Lordship on the subject.

No. 591, dated Fort William, the 24th November 1853.

From—W. GORDON YOUNG, Esq., Under-Secy. to the Govt. of Bengal.

To—The Secretary to the Council of Education.

I am directed by the Most Noble the Governor of Bengal to forward herewith a copy of paragraph 64 of Mr. Mills' report on the Khasi and Jaintia Hills, and to state that His Lordship regards with great satisfaction the testimony borne to the earnest zeal of the Revd. Mr. Lewis, and the encouraging, though as yet moderate, success which has attended his labours.



No. 593, dated Fort William, the 24th November 1853.

From—W. GORDON YOUNG, Esq. Under-Secy. to the Govt. of Bengal.

To—The Offg Secretary to the Government of India, Home Department.

I am directed by the Most Noble the Governor of Bengal to transmit herewith a copy of an extract, paragraph 64, of Mr. Mills' report on the Khasi and Jaintia Hills regarding the state of education in those places, together with a letter from the Revd. W Lewis therein alluded to of the 29th August.

2. His Lordship has intimated to the Council of Education that he regards with great satisfaction the testimony borne to the earnest zeal of the Revd. Mr. Lewis, and the encouraging, though as yet moderate, success which has attended his labours.

3. Instead, however, of establishing a vernacular school, as Mr. Mills suggests, a measure of which, from the experience of Mr. Lewis, the success would seem to be more than doubtful, it appears to His Lordship that a more promising way of aiding the diffusion of knowledge among the inhabitants of the Jaintia and Khasi Hills will be to give assistance to the missionary either in the way of salaried teachers for secular instruction, or by defraying a part of the cost of translating and printing suitable books either in Bengali or in the spoken language of the hillmen, reduced to writing, as may be thought most likely to lead to success. The absence of religious prejudice, and almost of religion, among the Khasias and other hill tribes in that direction removes, in his Lordship's opinion, the objection that might be taken to the promotion of secular instruction by the Government in other parts of India through the means of missionary aid. But before taking any decided step involving a departure from the general line of policy observed by the British Government His Lordship requests that you will submit the question for the consideration and orders of the Governor-General in Council.



Extract from a Resolution by the Most Noble the Governor of Bengal on Mr. A. J. M. MILLS' report on the Khasi and Jaintia Hills, dated 24th November 1853.

PARA 26— A copy of paragraph 65 will be sent to the Military Board for explanation, with reference to their report to Government, No. 10094, dated the 20th February 1852.

No. 2186, dated Fort William, the 24th November 1853.

Memo by—W. GORDON YOUNG, Esq., Under-Secy to the Govt. of Bengal.

Copy of the above extract forwarded to the Military Board for their information and guidance.

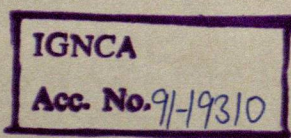
Extract from a Resolution by the Most Noble the Governor of Bengal on Mr. A. J. M. MILLS' report on the Khasi and Jaintia Hills, dated 24th November 1853.

PARA 29— The Military Board will be directed to take immediate measures for the repair of Mr. David Scott's monument, which will hereafter remain in charge of the Department of Public Works.

No. 2174, dated Fort William, the 24th November 1853.

Memo by—W. GORDON YOUNG, Esq., Under-Secy. to the Govt. of Bengal.

Copy of the above extract forwarded to the Military Board for their information and for the issue of the necessary orders.



ERRATA

We are extremely sorry that certain printing errors have occurred in the present publication. We apologize to the readers and assure that this will not be repeated in our future publications.

— Editors

<i>Page</i>	<i>Line</i>	<i>Incorrect</i>	<i>Correct</i>
Introduction			
xiii	1	(Coseah)	(Cosseah)
xv	9	Raja of Jaintias	Raja of Jaintia
	11	Guha Singh	Gunga Singh
	14	Raja of Jaintias	Raja of Jaintia
	15	C.V. Aitchinson	C.U. Aitchinson
	21	Pandha	Pandua
xvi	5	C.V. Aitchinson's	C.U. Aitchinson's
Explanatory Notes			
28	No. 15, Line 2	Lyzgohship	Lyngdohship
	do	Hambt Barch	Hamlet Barch
	No. 19	Myllim	Mylliem
	No. 23	Wahadadars	Wahdadar
29	Line 6	Court of Director	Court of Directors
	7	and in Gobha area	and the Gobha area
	8	that the Jaintia	that the Jaintia Hills
		remained	remained
	9	became his	became his
		crown charge	common charge
		Sobhan	Sohbar
29	No. 33		



As an historical document its importance can hardly be over estimated. It is a primary source of information. And because it covers not only the judicial anomalies but also a wide variety of aspects of life and business there, it has been and is still being used as a source by historians, anthropologists and other scholars.

Its importance is so great that it is now being re-issued by NEHU as the first volume of the prestigious series — North-Eastern Studies.

